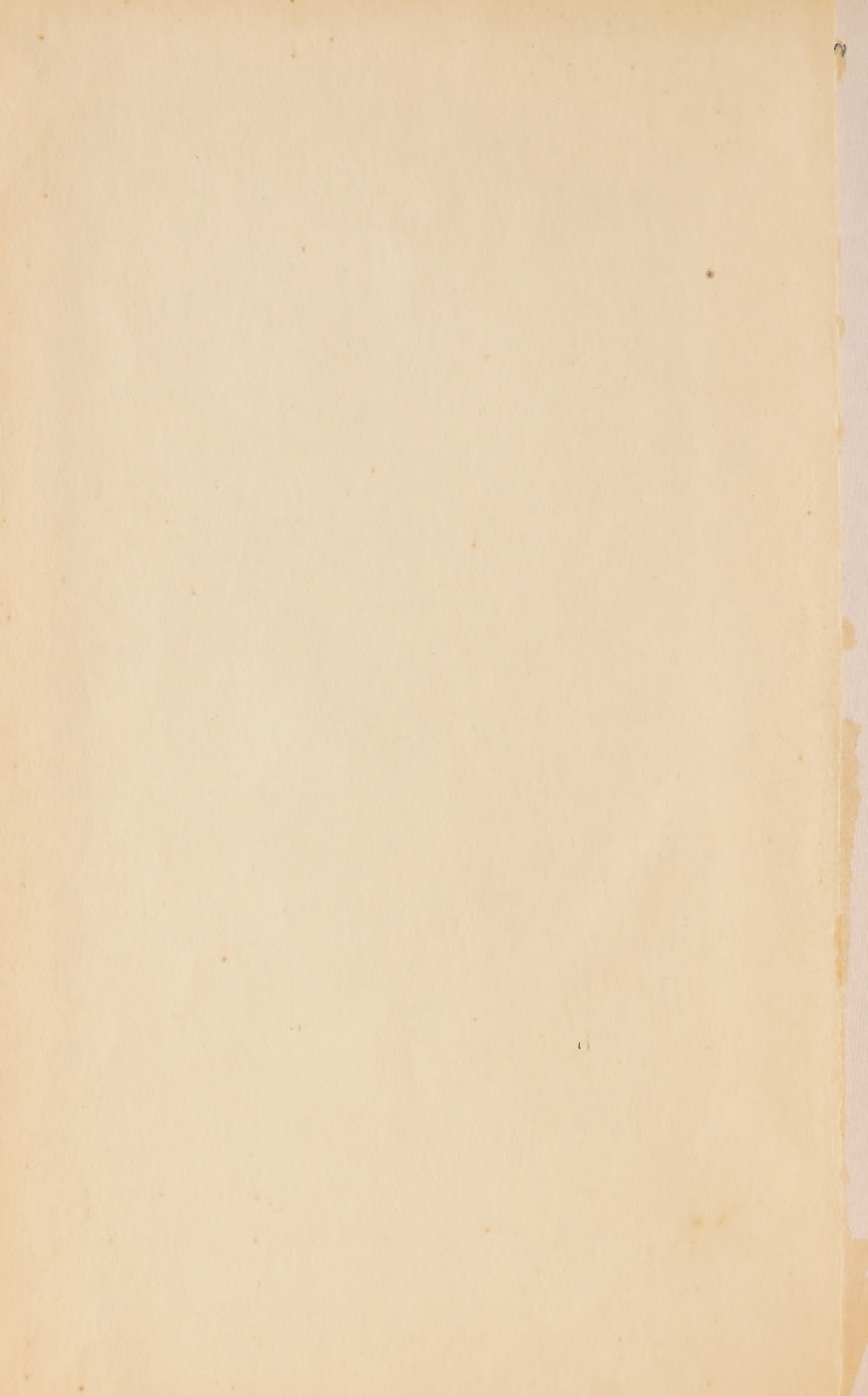


Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

<https://archive.org/details/31761115485351>







Statutes  
Ord

Ontario. Statutes

438

110

# STATUTES

## OF THE

# PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE  
FIFTY-NINTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA,

Being the Second Session of the Eighth Legislature of Ontario,

BEGUN AND HOLDEN AT TORONTO, ON THE ELEVENTH DAY OF FEBRUARY IN THE YEAR  
OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND NINETY-SIX.

1896



38586  
29/1/97.

---

HIS HONOUR  
THE HONOURABLE GEORGE AIREY KIRKPATRICK,  
LIEUTENANT-GOVERNOR.

---

TORONTO:  
PRINTED BY L. K. CAMERON,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.  
1896.





PRINTED  
AND BOUND BY





# TABLE OF CONTENTS.

---

CAP.	PAGE.
1. An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-six and for other purposes therein mentioned.....	1
2. An Act respecting Voters' Lists in certain Cities .....	7
3. An Act to amend the Act respecting Voters' Lists in Unorganized Territories .....	10
4. An Act respecting the Office Hours of Sheriffs .....	11
5. An Act to make further Provision for the Payment of Succession Duties in Certain Cases.....	12
6. An Act respecting the Estate of the late James Staveley of Clinton.....	19
7. An Act to amend The Public Lands Act.....	20
8. An Act to confirm an Agreement relating to Osgoode Street, Toronto.....	21
9. An Act to amend The Algonquin National Park Act .....	24
10. An Act to authorize the Commissioners of the Queen Victoria Niagara Falls Park to grant certain lands to the Clifton Suspension Bridge Company.....	25
11. An Act to authorize the transfer of certain Provincial Lands occupied by the Canadian Pacific Railway .....	26
12. An Act relating to Crown Timber .....	27
13. An Act to make further Provision respecting Mines and Mining.	30
14. An Act to further improve The Agriculture and Arts Act, 1895.	32
15. An Act to amend the Act respecting Veterinary Surgeons ....	35
16. An Act respecting the Canadian Historical Exhibition .....	36
17. An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths.....	43
18. An Act to amend The Judicature Act, 1895, and the Law relating to the Superior Courts.....	51
19. The County Courts Act, 1896 .....	62
20. An Act respecting Surrogate Courts .....	67

CAP.	PAGE.
21. An Act respecting Disputes concerning Boundary Lines .....	69
22. An Act respecting the Estates of Insolvent Deceased Persons ..	71
23. An Act respecting Fraud by Debt Collectors .....	73
24. An Act respecting Justices of the Peace in the Districts of Thunder Bay and Rainy River .....	74
25. An Act respecting Fees of Jurors on Coroners' Inquests .....	75
26. An Act respecting High and County Constables .....	76
27. An Act to authorize Police Constables to take Bail .....	81
28. An Act respecting the Quieting of Titles .....	83
29. An Act to amend The Registry Act, 1893 .....	84
30. An Act to amend the Act respecting Mills and Mill-Dams ....	89
31. An Act as to certain proceedings under the Act respecting Assignments and Preferences by Insolvent Persons .....	90
32. An Act respecting Bills of Sale and Chattel Mortgages in Unorganized Districts .....	94
33. An Act respecting the Cost of Seizure of Goods under Chattel Mortgages .....	95
34. An Act respecting Antecedent Unregistered Agreements for Bills of Sale and Chattel Mortgages .....	97
35. An Act respecting Liens of Mechanics, Wage-Earners and Others .....	99
36. An Act to extend The Woodman's Lien for Wages Act .....	122
37. An Act to secure payment of Wages for Labor performed in the construction of Public Works .....	124
38. An Act for the Better Protection of Certain Classes of Workmen .....	127
39. An Act to consolidate the Acts respecting the Solemnization of Marriage .....	131
40. An Act relating to Dower in certain Cases .....	146
41. An Act to amend the Act to Facilitate the Conveyance of Real Estate by Married Women .....	148
42. An Act respecting the Law of Landlord and Tenant .....	149
43. An Act respecting Road Companies .....	151
44. An Act affecting Timber Slide Companies .....	152
45. An Act relating to the Law of Insurance .....	155
46. An Act respecting Building Societies .....	159
47. An Act respecting the Expropriation of Lands of the Province by Railway Companies .....	160
48. An Act respecting Aid to certain Railways .....	161
49. An Act to amend The Electric Railway Act, 1895 .....	165
50. An Act to make further provision respecting Street Railways.	166
51. The Municipal Amendment Act, 1896 .....	175
52. An Act to reduce the number of County Councillors .....	188
53. An Act to amend The Municipal Arbitrations Act. ....	199



CAP.		PAGE.
54.	An Act respecting Provincial Municipal Auditors.....	200
55.	An Act respecting Tax Sales in the Unorganized Districts....	202
56.	An Act to correct a Clerical Error in the Debentures Registration Act.....	203
57.	An Act to improve the Laws respecting Public Libraries.....	204
58.	The Assessment Amendment Act, 1896 .....	206
59.	An Act respecting Travelling Shows, Circuses and other Exhibitions .....	212
60.	An Act revising and consolidating the Acts to encourage the Planting and Growing of Trees.....	215
61.	An Act respecting the Inspectors of Fruit Trees .....	218
62.	An Act to amend the Act to prevent the Profanation of the Lord's Day .....	219
63.	An Act to provide for the Inspection of Meat and Milk Supplies of Cities and Towns .....	220
64.	An Act respecting Bake Shops.....	222
65.	An Act to amend The Line Fences Act .....	225
66.	An Act to amend The Drainage Act, 1894.....	226
67.	An Act to amend The Ditches and Watercourses Act, 1894....	227
68.	An Act to make further provisions for the Protection of Game.	228
69.	An Act consolidating and revising the Laws respecting the Education Department .....	232
70.	An Act consolidating and revising the Public Schools Acts....	237
71.	An Act consolidating and revising the Laws respecting High Schools and Collegiate Institutes .....	292
72.	An Act revising Certain Matters in The Separate Schools Act..	313
73.	An Act to make further provision respecting Industrial Schools.....	315
74.	An Act respecting the Industrial Refuge for Girls.....	316
75.	An Act respecting Houses of Refuge .....	317
76.	An Act to consolidate the Floating Debt of the Town of Alliston .....	318
77.	An Act respecting certain School Moneys of the City of Chatham .....	321
78.	An Act respecting the Floating Debt of the Village of East Toronto .....	323
79.	An Act respecting the Railway Debenture Debt of the Township of Elma .....	325
80.	An Act respecting By-laws Nos. 680, 792 and 823 of the City of Hamilton .....	330
81.	An Act respecting the Debenture Debt of the County of Huron.	337
82.	An Act respecting the City of London .....	341
83.	An Act respecting the Floating Debt of the Village of Markham	349
84.	An Act respecting the Township of Mornington .....	354
85.	An Act respecting the Municipality of Oliver ..	362



CAP.	PAGE.
86. An Act respecting the City of Ottawa .....	365
87. An Act respecting By-laws Nos. 1458 and 1628 of the City of Ottawa .....	367
88. An Act respecting the Town of Peterborough .....	384
89. An Act to incorporate the Village of Port Carling .....	386
90. An Act respecting the Village of Port Perry.....	389
91. An Act respecting the Water-Works of the City of St. Catharines .....	394
92. An Act respecting Thistle Street in the Town of Sarnia.....	399
93. An Act to confirm By-law No. 46 of the Town of Sudbury ..	401
94. An Act respecting the Village of Tilbury Centre.....	406
95. An Act respecting the Liability of the Municipalities of Til- bury North and Tilbury West in respect to Government Drainage Works .....	412
96. An Act respecting the City of Toronto .....	439
97. An Act to consolidate the Floating Debt of the Town of Trenton .....	447
98. An Act to confirm By-law No. 486 of the Town of Walkerton.	450
99. An Act respecting the Gaol of the County of Wentworth ....	456
100. An Act to confirm By-law No. 250, 1895, of the Town of Wingham.....	462
101. An Act to incorporate the Chatham City and Suburban Rail- way Company.....	467
102. An Act to amend the Act to incorporate the Grand Valley Railway Company .....	470
103. An Act respecting the Hamilton Radial Electric Railway Company .....	473
104. An Act to incorporate the Lincoln Radial Electrical Railway Company .....	475
105. An Act respecting the London Street Railway Company.....	493
106. An Act to amend the Act incorporating The Ontario, Belmont and Northern Railway Company.....	552
107. An Act to amend the Act to incorporate the Pembroke South- ern Railway Company .....	553
108. An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company .....	556
109. An Act to incorporate the South Essex Electric Railway Company .....	558
110. An Act respecting the Toronto, Hamilton and Buffalo Railway Company .....	562
111. An Act to amend certain Acts relating to the Georgian Bay Ship Canal and Power Aqueduct Company.....	564
112. An Act respecting the Hamilton Gas Light Company .....	567
113. An Act to amend the Acts relating to the Land Security Company .....	570



CAP.		PAGE.
114.	An Act respecting the Port Arthur Water, Light and Power Company .....	575
115.	An Act respecting the Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada.....	588
116.	An Act to enable the Trustees of the Congregation of Knox Church, Acton, to sell certain lands in the Village of Acton.	591
117.	An Act to incorporate the Synod of the Diocese of Ottawa in connection with the Church of England in the Dominion of Canada.....	594
118.	An Act respecting St. Andrew's Church, Belleville .....	599
119.	An Act respecting St. Thomas' Church, Hamilton.....	601
120.	An Act respecting the Supreme Court of the Independent Order of Foresters.....	605
121.	An Act respecting the Hospital at Toronto for Sick Children..	607
122.	An Act respecting the Rideau Club.....	608
123.	An Act to enable Thomas Henry Lewis to Practise Dentistry..	611

---







## 59 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and ninety-six, and for other purposes therein mentioned.

*Assented to 7th April, 1896.*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable George Airey Kirkpatrick, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and ninety-six ; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million six hundred and thirty-eight thousand, eight hundred and sixty-one dollars and seventeen cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand

\$3,638,861.17  
granted out of  
the Consolidated Revenue  
Fund for certain purposes.  
sand

sand eight hundred and ninety-six as set forth in schedule A to this Act; and for the expenses of Legislation, Public Institutions' Maintenance and Salaries of the Officers of the Government and Civil Service for the month of January, one thousand eight hundred and ninety-seven as set forth in schedule B to this Act.

Accounts to be  
laid before the  
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and ninety-six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-six and the purposes for which they are granted.

### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto*

Government House .....	\$ 1,950 00
Lieutenant-Governor's Office .....	3,980 00
Executive Council and Attorney-General's Office .....	20,000 00
Education Department .....	20,100 00
Crown Lands Department .....	61,830 00
Department of Public Works .....	22,200 00
Treasury Department .....	43,150 00
Provincial Board of Health .....	7,750 00

CIVIL GOVERNMENT



CIVIL GOVERNMENT.—*Continued.*

Secretary and Registrar's Department.....	\$19,800 00	
Inspection of Public Institutions .....	15,500 00	
Insurance Branch .....	6,750 00	
Department of Agriculture .....	17,800 00	
Immigration Branch .....	1,800 00	
Miscellaneous .....	10,000 00	
	<hr/>	\$252,610 00

## LEGISLATION.

To defray expenses of Legislation .....	129,400 00
---	------------

## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$66,393 00	
Surrogate Judges and Local Masters .....	22,557 00	
Miscellaneous Criminal and Civil Justice ....	351,873 04	
	<hr/>	\$440,823 04

## EDUCATION.

To defray expenses of Public and Separate School Education:—

Aid from Municipalities Fund .....	\$ 1,459 92
Public and Separate Schools.....	240,000 00
350 Schools in Districts at \$100 each .....	35,000 00
Schools in weak sections.....	10,000 00
Kindergarten Schools .....	3,000 00
Night Schools.....	1,000 00
Public School Leaving Examination .....	8,000 00
62 Model Schools (61 last year) (including ref- erence books) .....	11,450 00
French-English Training Schools (1 last year)	1,600 00
Teachers' Institutes and District Training Schools.....	3,800 00
Inspection of Public Schools.....	39,450 00
Two Inspectors of Separate Schools .....	3,400 00
Two Inspectors in Districts .....	3,000 00
One Inspector of Model Schools .....	1,850 00
One Director of Teachers' Institutes .....	1,850 00
Travelling expenses six inspectors .....	2,400 00
Stationery, postage and incidentals.....	1,400 00
Examiners for Departmental Examinations ..	20,000 00
Paper, postage and supplies for Examinations and assistant .....	2,000 00
Salary of Printer .....	950 00
Salary of Clerk .....	800 00
Secretary Joint Board of Examiners .....	300 00
Normal and Model School, Toronto .....	24,580 00
“ “ “ Ottawa.....	21,710 00

Total Public and Separate School Education \$438,999 92

EDUCATION.

EDUCATION.—*Continued.*

High Schools and Collegiate Institutes . . . .	\$114,604 00	
Library and Museum . . . . .	5,300 00	
School of Practical Science . . . . .	21,370 00	
Public Libraries, Art Schools, Literary and Scientific . . . . .	57,613 00	
Miscellaneous . . . . .	4,650 00	
Superannuated Public and High School Teachers . . . . .	61,300 00	
	<hr/>	\$703,836 92

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—		
Asylum for the Insane, Toronto . . . . .	\$97,073 00	
Asylum for the Insane, London . . . . .	131,119 00	
Asylum for the Insane, Kingston . . . . .	76,798 00	
Asylum for the Insane, Hamilton . . . . .	114,149 00	
Asylum for the Insane, Mimico . . . . .	71,598 00	
Asylum for Insane, Brockville . . . . .	42,185 00	
Asylum for Idiots, Orillia . . . . .	62,418 00	
Central Prison, Toronto . . . . .	59,700 00	
Provincial Reformatory, Penetanguishene . . . .	32,680 00	
Institution for the Deaf and Dumb, Belleville.	44,936 00	
Institution for the Blind, Brantford . . . . .	34,001 00	
Mercer Reformatory for Females . . . . .	23,905 00	
	<hr/>	\$790,562 00

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration . . . .	8,525 00
---	----------

## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture . . . .	200,754 90
---	------------

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities . . . . .	194,841 02
--	------------

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House . . . . .	\$7,500 00
Old Parliament Buildings . . . . .	800 00
New Parliament and Departmental Buildings . . . . .	26,880 00
Attorney-General's Department . . . . .	400 00
Crown Lands Department . . . . .	800 00
Treasury Department . . . . .	1,150 00
Provincial Secretary's Department . . . . .	1,000 00
Department of Agriculture . . . . .	700 00

MAINTENANCE



MAINTENANCE AND REPAIRS.—*Continued.*

Department of Public Works .....	\$ 450 00	
New Parliament Buildings, exclusive of Departments. ....	2,000 00	
Education Department (Normal School Building) .....	9,200 00	
Miscellaneous .....	3,430 00	
Normal School, Ottawa .....	4,966 00	
School of Practical Science .....	4,025 00	
Agricultural College.....	7,093 00	
Western Dairy School .....	600 00	
Osgoode Hall .....	8,840 00	
	<hr/>	\$79,834 00

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$ 9,680 00	
Mimico Cottages .....	15,450 00	
Asylum for the Insane, London .....	9,390 00	
Asylum for the Insane, Hamilton.....	30,450 00	
Asylum for the Insane, Kingston .....	13,625 00	
Asylum for the Insane, Brockville .....	29,000 00	
Asylum for Idiots, Orillia.....	7,200 00	
Central Prison, Toronto.....	21,750 00	
Reformatory, Penetanguishene.....	4,000 00	
Reformatory for Females, Toronto .....	4,300 00	
Deaf and Dumb Institute, Belleville.....	2,105 00	
Blind Institute, Brantford.....	3,505 00	
Agricultural College, Guelph .....	21,200 00	
Normal School and Education Depart't, Toronto	25,000 00	
Normal School, Ottawa.....	2,500 00	
School of Practical Science, Toronto .....	9,140 00	
Osgoode Hall, Toronto .....	4,070 00	
New Parliament Buildings .....	12,438 00	
District of Algoma.....	2,100 00	
Thunder Bay District .....	1,000 00	
Muskoka District .....	200 00	
Parry Sound District.....	700 00	
Nipissing District .....	4,400 00	
Rainy River District.....	550 00	
Miscellaneous .....	3,100 00	
	<hr/>	\$236,853 00

## PUBLIC WORKS.

To defray expenses of Public Works .....	53,859 00
--	-----------

## COLONIZATION ROADS.

To defray expenses of Construction and Repairs .....	106,840 00
	CHARGES

## CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... \$120,609 00

## REFUNDS.

Education .....	\$1,000 00	
Crown Lands .....	18,500 00	
Municipalities Fund.....	1,216 60	
Land Improvement Fund.....	2,806 52	
	<u>          </u>	\$23,523 12

## STATUTE CONSOLIDATION.

To defray expenses of Statute Consolidation ..... 30,000 00

## MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure ..... 135,991 07

## UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses ..... 50,000 00

Total estimates for expenditure of 1896..... \$3,558,861 17

## SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and ninety-seven, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1897..... \$80,000 00

Total..... \$3,638,861 17



## CHAPTER 2.

## An Act respecting Voters' Lists in certain Cities.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall apply and be in force in every city having a population of over one hundred thousand, in which a by-law shall hereafter be passed for taking the assessment at any time prior to the 30th day of September, and fixing prior and separate dates for the return and final revision of the assessment rolls for each ward or sub-division of a ward as determined by the said by-law.

Application of Act.

2. Within fifteen days after the final revision of the assessment roll for any ward or subdivision of a ward, the clerk shall make up and print and distribute the alphabetical list of voters for such ward or sub-division in the manner prescribed by *The Ontario Voters' Lists Act, 1889*, and the Acts in amendment thereof, and forthwith after the clerk has posted up the said list in his office as provided by the said Act, he shall give notice in the manner prescribed by section 9 of the said Act and the notice shall state the boundaries of the ward or sub-division of a ward for which such list is made up.

Making up, posting, etc., of lists; notice to be given.

52 V. c. 3.

3. The time for making complaints as to errors or omissions in such list shall be within seven days after the publication of such notice.

Time for making complaints.

4. In case no complaint respecting the list is received by the clerk of the municipality within seven days after he has posted up the list in his office the clerk shall forthwith apply, in person or by letter, to the judge to certify three copies of the list as being the last revised list of voters for the ward or sub-division, and the judge shall retain one of the certified copies and deliver, or transmit by post, registered, one certified copy to the clerk of the peace for the county or union of

Procedure when no complaint is received.

counties

counties within which the city lies, and one of the certified copies to the clerk of the municipality to be kept by him among the records of his office.

When list to  
be finally  
revised.

5. It shall be the duty of the county judge so to arrange and proceed and so to fix the sittings of the court for hearing complaints against or in respect of the voters' list for each ward or sub-division that the complaints shall be heard and determined and the list finally revised, corrected and certified as provided by *The Ontario Voters' Lists Act, 1889*, within ten days after the last day for making complaints.

52 V. c. 3.

All lists to be  
revised by 1st  
December.

6. The procedure hereinbefore prescribed shall be adopted with respect to the list for each ward or sub-division of a ward, but so that the last of such lists shall have been made up and completed and finally revised on or before the first day of December in the year in which the assessment rolls were revised as aforesaid.

Final revision  
of list for the  
whole city.

7.—(1) Forthwith after preparing, printing and posting up the last of such lists, the clerk shall cause the same, with the copy of each list previously revised and certified to by the judge, to be bound up together; and he shall also immediately after posting up the last list, as aforesaid, cause a notice to be inserted in each daily newspaper published in the city, calling upon persons who are aware of errors in the said lists, or of changes which have been rendered necessary by reason of the death or removal of any person named therein, or by reason of any person having acquired the necessary property qualification as a voter as hereinafter mentioned to give notice of such errors, deaths and removals, or of any person having so become qualified; and naming a time and place at which the judge will hold a court for finally revising the lists for the whole city, as well as the last of such lists.

(2) The time for making complaints under this section shall be fourteen days after the first publication of such notice.

Revision of  
list at last  
sittings.

8.—(1) At such last sittings the judge, upon complaint made as aforesaid, shall make the necessary changes in the said last list, and he shall also, upon the like complaint, correct any error in the name, address or qualification of any person whose name appears upon the lists previously revised by him, and strike out of such lists the names of persons who have died or removed from any ward or sub-division since the revision of the list therefor as aforesaid:

Proviso.

Provided that upon complaint made by any person who has so removed into another ward, or sub-division of a ward, of the city, the judge, after striking out the name of such person, may add the name of such person, if otherwise duly qualified, to the list of voters for the ward or sub-division into which he shall have so removed.



(2) The judge shall also at such sittings upon complaint made as aforesaid, insert in the proper list the name of any person who has acquired the necessary property qualification by himself or his wife becoming a freeholder or householder in any ward or sub-division of a ward since the revision of the list for such ward or sub-division; Provided that no person shall be entitled to have his name inserted in the list under this sub-section, unless the property in respect of which he qualifies was acquired at least one month before the last day upon which he could make complaint as aforesaid, and provided that wherever a name is inserted in the voters' list under this sub-section, the judge shall require the clerk to produce the assessment roll before him and shall make and initial the alterations therein corresponding with the changes made in the voters' list.

Voters who have acquired freehold or household qualification since revision of ward or sub-division list.

9. The judge shall make the corrections required by the last preceding section in his certified copy of the voters' list for each ward or sub-division, and shall initial the alterations so made, and the clerk shall likewise make the same alterations in his certified copies, and when so made the alterations shall be initialled by the judge, and the clerk shall forthwith prepare a list of all changes made in the lists at the said last sittings, which shall be certified by the judge, and delivered to the clerk of the peace with the last list as revised, and the clerk of the peace shall bind up the same with the copies previously certified by the judge, and delivered to him.

Making corrections in list at last sittings.

10. The said lists, as so finally revised, corrected and certified, shall together form, from time to time, the last revised voters' list for the city, within the meaning of *The Voters' Lists Act, 1889*, *The Ontario Election Act, 1892*, and *The Consolidated Municipal Act, 1892*, and the amendments thereto, and the date fixed as the last day for making complaints to the county judge under section 8 of this Act shall be deemed to be the last day for making complaints to the county judge, within the meaning of any oath prescribed by any of the said Acts, and such date shall be inserted in any such oath when the voting is upon a voters' list prepared under this Act.

Last revised voters' list within 52 V. c. 3, 55 V. c. 3, 55 V. c. 42.

11. *The Supplementary Ontario Voters' Lists Act, 1893*, and *The Supplementary Ontario Voters' Lists Act, 1894*, shall not apply to any city in which this Act may from time to time be in force.

56 V. c. 3, 57 V. c. 3 not to apply.

12. This Act shall be read with and shall form part of *The Ontario Voters' Lists Act, 1889*, and the said Act and the Acts in amendment thereof, other than the Acts in the preceding section mentioned, as varied by this Act, shall apply to and be in force, in every city to which this Act may from time to time apply.

Act incorporated with 52 V. c. 3.

## CHAPTER 3.

## An Act to amend The Act respecting Voters' Lists in Unorganized Territories.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

55 V. c. 2,  
suspended for  
one year.

1. Chapter 2 of the Acts passed in the fifty-fifth year of Her Majesty's reign, intituled: *An Act respecting Voters' Lists in Unorganized Territories* is hereby suspended for one year from the passing of this Act.

Present  
voters' list to  
continue until  
other pro-  
vision made.

2. Until a new voters' list has been prepared under any Act of the Legislature of this Province, the voters' lists prepared and certified under the said Act, in the year 1895, shall in any election to the Legislative Assembly be the lawful voters' lists for the polling sub-divisions to which such voters' lists are applicable.



## CHAPTER 4.

## An Act respecting the Office Hours of Sheriffs.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 35 of the *Act respecting the Office of Sheriff*, and the amendment thereto contained in chapter 5 of the Acts passed in the 55th year of Her Majesty's reign are repealed and the following substituted therefor; Rev. Stat. c. 16, s. 35; 55 V c. 5, repealed.

35.—(1) Every sheriff shall excepting during vacations and holidays, keep his office open every day from 10 o'clock in the forenoon to 4 o'clock in the afternoon, and during all that time he or his deputy or some clerk competent to do business for him, shall be present to transact the business of said office. Office hours of sheriffs.

(2) During the long vacation and the Christmas vacation every sheriff or his deputy or clerk shall be required to be present in his office on every day, holidays excepted, from 10 o'clock in the forenoon until 1 o'clock in the afternoon and no longer.

(3) Provided that the sheriffs of the city of Toronto and of the county of York, or their respective deputies or clerks, shall be required to be present in their offices, for the transaction of business on every Saturday in the year, not being a holiday, from 10 o'clock in the forenoon until one o'clock in the afternoon and no longer. Proviso as to Toronto and York.

(4) Provided that when the office of a sheriff may be closed under this section at one o'clock in the afternoon the sheriff or his deputy shall nevertheless upon application made to him, transact all necessary and urgent business of his office in the same manner and to the same extent as on days upon which his office must be kept open until 4 o'clock. Urgent business.

## CHAPTER 5.

An Act to make further Provision for the Payment of  
Succession Duties in Certain Cases.*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

55 V. c. 6, s. 4,  
and 58 V. c. 7,  
repealed. 1. Section 4 of *The Succession Duty Act, 1892*, as amended by  
the Act passed in the 58th year of Her Majesty's reign, chap-  
tered 7, is repealed and the following substituted therefor:

Property li-  
able to succes-  
sion duty. 4.—(1) Save as aforesaid, the following property shall be  
subject to a succession duty as hereinafter provided, to be paid  
for the use of the Province over and above the fees provided  
by *The Surrogate Courts Act*.

Property situ-  
ate in prov-  
ince. (a) All property situate within this Province, and any interest  
therein or income therefrom, whether the deceased person own-  
ing or entitled thereto was domiciled in Ontario at the time of his  
death or was domiciled elsewhere, passing either by will or  
intestacy.

Property  
voluntarily  
transferred in  
contemplation  
of death. (b) All property situate as aforesaid or any interest therein  
or income therefrom, which shall be voluntarily transferred by  
deed, grant, bargain, sale or gift made in contemplation of the  
death of the grantor, bargainor, vendor or donor, or made or  
intended to take effect, in possession or enjoyment after such  
death, to any person in trust or otherwise, or by reason where-  
of any person shall become beneficially entitled in possession  
or expectancy to any property, or the income thereof.

Donationes  
mortis causa  
or voluntary  
dispositions  
made within  
twelve months  
before death. (c) Any property taken as a *donatio mortis causa* made by  
any person dying after the commencement of this Act, or  
taken under a disposition made by any person so dying, pur-  
porting to operate as an immediate gift *inter vivos*, whether  
by way of transfer, delivery, declaration of trust, or otherwise  
which shall not have been *bona fide* made twelve months be-  
fore the death of the deceased, including property taken under  
any gift, whenever made, of which property *bona fide* posses-  
sion and enjoyment shall not have been assumed by the donee

immediately

immediately upon the gift and thenceforward retained to the entire exclusion of the donor, or of any benefit to him by contract or otherwise.

(d) Any property which a person dying after the passing of this Act, having been absolutely entitled thereto, has caused, or may cause to be transferred to, or vested in himself and any other person jointly, whether by disposition or otherwise, so that the beneficial interest therein, or in some part thereof, passes or accrues by survivorship on his death to such other person, including also any purchase or investment effected by the person who was absolutely entitled to the property either by himself alone, or in concert, or by arrangement with any other person.

Property transferred by owner to himself jointly with some other.

(e) Any property passing under any past or future settlement, including any trust, whether expressed in writing or otherwise, and if contained in a deed or other instrument effecting the settlement, whether such deed or other instrument was made for valuable consideration or not as between the settlor and any other person, made by any person dying on or after the passing of this Act, by deed or other instrument not taking effect as a will, whereby an interest in such property or the proceeds of sale thereof for life, or any other period, determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right by the exercise of any power to restore to himself, or to reclaim the absolute interest in such property or the proceeds of sale thereof, or to otherwise resettle the same or any part thereof.

Property passing under settlement.

(f) Any annuity or other interest purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, to the extent of the beneficial interest accruing or arising by survivorship or otherwise on the death of the deceased.

Annuities, etc.

(g) The descriptions of properties in paragraphs (c), (d), (e) and (f), shall not be construed to restrict the generality of the descriptions contained in sub-sections (a) and (b), and subject to the provisions of sub-section 7 of this section, the expressions "all property" and "any property" in this section shall be restricted to property situate within this Province.

Particular description of property liable not to affect general words.

(2) Where the aggregate value of the property of the deceased exceeds \$100,000, and passes in manner aforesaid, either in whole or in part, to or for the benefit of the father, mother, husband, wife, child, grandchild, or other lineal descendant, daughter-in-law or son-in-law of the deceased, the same or so much thereof as so passes (as the case may be) shall be subject to a duty of \$2.50 for every \$100 of the value; or,

Amount of duty.

(3) Where the aggregate value of the property exceeds \$200,000, the whole property which passes as aforesaid shall be subject to a duty of \$5 for every \$100 of the value; and



(4) Where the value of the property of the deceased exceeds \$10,000 so much thereof as passes to or for the benefit of the grandfather or grandmother or any other lineal ancestor of the deceased, except the father and mother, or to any brother or sister of the deceased, or to any descendants of such brother or sister, or to a brother or sister of the father or mother of the deceased, or of any descendant of such last mentioned brother or sister, shall be subject to a duty of \$5 for every \$100 of the value.

(5) Where the value of the property of the deceased exceeds \$10,000 and any part thereof passes to or for the benefit of any person in any other degree of collateral consanguinity to the deceased than is above described, or to or for the benefit of any stranger in blood to the deceased save as hereinbefore provided for, the same shall be subject to a duty of \$10 for \$100 of the value.

Proviso.

(6) Provided that where the whole value of any property devised, bequeathed or passing to any one person under a will or intestacy does not exceed \$200, the same shall be exempt from payment of the duty imposed by this section.

Proviso.  
Property  
brought into  
province for  
adminis-  
tration.

(7) Provided that any portion of the estate of any deceased person, whether at the time of his death such person was domiciled in the Province of Ontario, or was domiciled elsewhere, which is brought into the Province by the executors or administrators of the estate to be administered or distributed in this Province, shall be liable to the duty hereinbefore imposed; but if any succession or legacy duty or tax has been paid upon such property elsewhere than in Ontario, and such duty or tax is equal to or greater than the duty payable on property in this Province, no duty shall be payable thereon in this Province; and if the duty or tax so paid elsewhere is less than the duty payable on property in this Province, then the property upon which such duty or tax has been paid elsewhere shall be subject to the payment of such portion only of the succession duty provided for in the preceding sub-sections of this section as will equal the difference between the duties payable under this Act with respect to property in the Province of Ontario and the duty or tax so paid elsewhere.

Personal  
liability of  
executors.

(8) In case an executor or administrator shall in order to escape payment of succession duty, imposed by this Act, distribute any part of the estate without bringing the same into this Province, such executor or administrator shall be liable personally to pay to Her Majesty the amount of the duty which would have been payable had the assets so distributed been brought within this Province. Provided that this sub-section shall not apply to payments made to persons domiciled without the Province out of assets situate without the Province.

(9) Nothing herein contained shall render liable for duty any property *bona fide* transferred for a consideration that is of a value substantially equivalent to the property transferred.

2. Section 5 of *The Succession Duty Act, 1892*, is amended 55 V. c. 6,  
by adding thereto the following sub-section as sub-section (3). s. 5, amended.

(5) Where property passes on the death of the deceased and no executor or administrator can be made accountable for succession duty in respect of such property, every person to whom any property so passes for any beneficial interest in possession, and also, to the extent of the property actually received or disposed of by him, every trustee, guardian, committee, or other person in whom any interest in the property so passing or the management thereof is at any time vested, and every person in whom the same is vested in possession by alienation or other derivative title shall be accountable for the succession duty on the property, and shall, within two months after the death of the deceased, or such later time as the Treasurer of the Province for the time being shall allow, deliver to the surrogate registrar of the county in which the said property is situate, and verify an account to the best of his knowledge and belief of the property.

Where no executor or administrator can be made accountable for duty.

3. Sections 6 and 7 of the said Act are hereby repealed and the following sections substituted therefor respectively; 55 V. c. 6,  
ss. 6, 7, re-  
pealed.

6. In case the Treasurer of the Province is not satisfied with the value so sworn to, or with the correctness of the said inventory, the surrogate registrar of the county in which any property subject to the payment of the said duty is situate shall, at the instance of the Provincial Treasurer, his solicitor or agent, direct in writing that the sheriff of the county shall make a valuation and appraise the said property, and also appraise any property alleged to have been improperly omitted from the said inventory.

When appraisement by sheriff may be directed.

7. In such case the sheriff shall forthwith give due and sufficient written notice to the executors and administrators and to such other persons as the surrogate registrar may by order direct of the time and place at which he will appraise such property, included in such inventory, or any property which in the opinion of the Provincial Treasurer, his solicitor or agent should be included therein, and shall appraise the same accordingly at its fair market value and make a report thereof in writing to the surrogate registrar, together with such other facts in relation thereto, as the surrogate registrar may by order require, and such report shall be filed in the office of the surrogate registrar, and for the purposes of the said enquiry and appraisement the said sheriff shall have all the powers which may be conferred upon commissioners under

Valuation of property by sheriff.

Rev. Stat. c.  
17.

the *Act respecting Inquiries concerning Public Matters*. The sheriff shall be entitled to receive the sum of \$5 per diem for services performed under this Act, and his actual and necessary travelling expenses, and the same shall be paid to him by the Treasurer of the Province.

55 V. c. 6, s.  
8, amended.

4. Section 8 of the said Act is amended by striking out the words "upon receiving the report of the sheriff forthwith assess and fix the then cash value" in the first and second lines, and inserting in lieu thereof the words, "assess and fix the cash value at the date of the death of the decedent;" and by inserting after the word "interest" in the eleventh line thereof, the words "in respect of which the duty is payable at the death of the deceased either by the terms of this Act or by arrangement made under sub-section 3 of section 11."

55 V. c. 6, s.  
9, amended.

5. Section 9 of the said Act is amended by striking out the words, "whose decision shall be final," at the end of the said section, and inserting in lieu thereof the words, "and from such judge of the High Court to the Court of Appeal, whose decision shall be final"

55 V. c. 6,  
s. 11 amended.

6. Section 11 of the said Act is amended by adding thereto the following sub-sections as sub-sections (2), (3), (4) and (5).

When no person is entitled to present enjoyment of property liable to duty.

(2) Provided that where no person is entitled to present enjoyment of such property or the income thereof, or any part of such property or income, the duty on such property or income or such part of such property or income shall be payable as in section 12 is provided.

Commuting duties on future estates or interests.

(3) Notwithstanding the duty may under this section not be payable until the time when the right of possession or actual enjoyment accrues any executor, administrator, guardian, or trustee, or person owning a prior interest, when such executor, administrator, guardian, or trustee, or person has the custody or control of the property, may agree upon or commute for a present payment out of the property in discharge of the said duty; and the Treasurer of the Province may upon the application of any such person commute the succession duty which would or might, but for the commutation, become payable in respect of such interest, for a certain sum to be presently paid, and for determining that sum shall cause a present value to be set upon such duty regard being had to the contingencies affecting the liability to and rate and amount of such duty, and interest; and on the receipt of such sum shall give a certificate of discharge accordingly.

Payment of duties on annuities.

(4) Provided that the duty chargeable upon any legacy given by way of annuity, whether for life or otherwise, shall be paid by four equal payments, the first of which payments of duty shall be made before or on completing payment of the

first



first year's annuity, and the three others of such payments of duty shall be made in like manner successively, before or on completing the respective payments of the three succeeding years' annuity respectively. In case the annuitant dies before the expiration of the said four years only payment of instalments which fall due before his or her death shall be required.

(5) The duty is to be paid on the cash value of all estates, interests, annuities and life estates, or terms of years mentioned in the 8th section of this Act, in the same manner as on the other assets of the estate; but the judge may grant further time for payment, or of a part thereof, where it appears to the judge that having reference to the condition of the estate, the available means of making such payment, and the interest of others, that payment within the time prescribed by this Act would be unreasonable or unjust; in such cases as between executors or administrators of the estate and the person who is to become entitled to the possession or enjoyment at a future period only, the duty payable and paid by the executors or administrators in respect of such future estate or interest shall be a charge on such future estate or interest, and shall be paid to them by the person aforesaid with interest at the time the estate or interest comes into actual possession; but the executors or administrators shall be entitled to receive the amount, or any part thereof, at an earlier date if the person to pay desires to pay the same at an earlier date.

7. Any action, matter or proceeding by or against the Province in respect of duties or claims arising upon or out of any succession, shall be commenced within six years from the date of the succession. Limitation of actions.

8. Sub-section 1 of section 5 of the said Act is amended by inserting after the word "liable" in the 14th line thereof, the words "or which may become liable." 55 V. c. 6, s. 5, sub-s. 1, amended.

9. Section 12 of the said Act is amended by adding thereto the following sub-sections:— 55 V. c. '6, s. 12 amended.

(2) The Treasurer of the Province on being satisfied that the full amount of succession duty has been or will be paid in respect of an estate or any part thereof, shall, if required by the person accounting for the duty, give a certificate to that effect, which shall discharge from any further claim for succession duty the property shown by the certificate to form the estate, or part thereof, as the case may be. Certificate of discharge to be given by Provincial Treasurer.

(3) Such certificate shall not discharge any person or property from succession duty in case of fraud or failure to disclose material facts, and shall not affect the rate of duty

payable in respect of any property afterwards shown to have passed on the death, and the duty in respect of such property shall be at such rate as would be payable if the value thereof were added to the value of the property, in respect of which duty has been already accounted for.

(4) Provided nevertheless that a certificate purporting to be a discharge of the whole succession duty payable in respect of any property included in the certificate shall exonerate a *bona fide* purchaser for valuable consideration without notice from the duty, notwithstanding any such fraud or failure.

---

## CHAPTER 6.

## An Act respecting the Estate of the late James Staveley of Clinton.

*Assented to 7th April, 1896.*

**W**HEREAS, one James Staveley of the town of Clinton, Preamble.  
 departed this life on the 7th November, in the year of  
 our Lord 1892, being at the time of his death possessed of a large  
 amount of property ; and whereas an action was instituted in  
 the High Court of Justice for administration of the said estate ;  
 and whereas it was determined and adjudged in the said action  
 that the said property had escheated to Her Majesty for the  
 use of the Province ; and whereas it appears that Francis E.  
 Thompson, Mary E. Campbell and Carrie A. Sibley have a  
 claim to be considered in the disposition of the said estate ;  
 and whereas it is expedient that a portion of the said estate  
 should be granted to the said persons above named, and that  
 a portion should also be applied for the purpose of erecting  
 and maintaining a hall or other public building in the said  
 town of Clinton, in which the said James Staveley had lived  
 for the last years of his life.

Therefore Her Majesty by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

1. Out of the moneys derived from the estate of the  
 said James Staveley, the Lieutenant-Governor in Council may  
 grant to the said Francis E. Thompson, Mary E. Campbell and  
 Carrie A. Sibley, the sum of \$6,000 each.

Grants to  
certain per-  
sons out of  
estate of  
James  
Staveley.

2. A further grant not exceeding \$10,000 may be made out  
 of the said moneys to the town of Clinton, to be used (subject  
 to such terms and conditions as the Lieutenant-Governor in  
 Council may prescribe), for the purpose of erecting and main-  
 taining in or near the said town a building or buildings for  
 the use of the public, such building or buildings being of such  
 public character and for such public purposes as the Lieuten-  
 ant-Governor in Council may approve.

Power to  
make grant to  
town of Clin-  
ton for public  
buildings.

## CHAPTER



## CHAPTER 7.

## An Act to amend The Public Lands Act.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.  
24, s. 45,  
amended.

Copies of  
documents as  
evidence.

Rev. Stat.  
c. 28.

1. Section 45 of *The Public Lands Act* is amended by adding thereto the following words :

“ And copies of licenses or other instruments or documents issued under the hand of the Commissioner or assistant commissioner, or other officer or agent of the Department, by authority of this Act, or *The Act respecting Timber on Public Lands*, which copies are attested under the signature of the Commissioner or assistant commissioner, and the official seal of the Department, shall be received in any court as *prima facie* evidence of the license, instrument or document, and of the contents thereof.”

---

## CHAPTER 8.

## An Act to confirm an Agreement relating to Osgoode Street, Toronto.

*Assented to 7th April, 1896.*

WHEREAS, a proposed agreement to be entered into by the Preamble.  
Law Society of Upper Canada, the Corporation of the City of Toronto, Her Majesty the Queen, represented by the Honourable the Minister of Militia and Defence, and Her Majesty the Queen, represented by the Honourable the Minister of Public Works for Ontario, with respect to the closing of Osgoode street in the said city has been approved of by each of the parties thereto, and it is expedient that the same should be confirmed or the parties authorized to enter into the same ;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

The said agreement, a copy of which is set forth in the schedule to this Act, when executed by the parties thereto, is hereby confirmed and declared to be valid and binding, and the several parties thereto are hereby authorized to execute and carry out the same according to the true intent and meaning thereof. Agreement confirmed.

---

## SCHEDULE.

This indenture, made the 26th day of March, A.D., 1896' between The Law Society of Upper Canada, hereinafter called the Law Society, of the first part; the corporation of the city of Toronto, hereinafter called the city, of the second part; Her Majesty the Queen, herein represented by the Honourable the Minister of Militia and Defence, hereinafter called the Dominion Government, of the third part; and Her Majesty the Queen, herein represented by the Honourable the Commissioner of Public Works of Ontario, hereinafter called the Ontario Government, of the fourth part.

Whereas the Dominion Government procured a site for the erection of a drill hall immediately north of Osgoode street, in the city of Toronto, between Chestnut street and University Street, and have thereon erected a drill hall.

And whereas for the more convenient drilling of troops and other purposes connected with such drill hall, the Dominion Government have requested that Osgoode street be closed as a public street, and enclosed within the drill hall grounds, in order that such grounds may be enlarged thereby.

And whereas the Law Society, the city and the Ontario Government are willing that the request of the Dominion Government should be complied with, upon the terms and conditions hereinafter contained.

Now, this indenture witnesseth that the Law Society and the Ontario Government hereby give consent that the city of Toronto may pass a by-law closing Osgoode street as a public street, and allowing the Dominion Government to enclose the same by extending the fences erected, or to be erected, around the said drill hall grounds, so that the same may cross said street on the line of the west side of Chestnut street, and the line at the east side of University street, subject, however, to the following conditions, agreements and reservations.

(a) That the said street shall at any time, upon the written request of any of the parties hereto, be re-opened as a public street, and the said fences, or any other fences or enclosures thereof, removed; and the city shall, upon such request, pass all necessary by-laws and do all necessary things in that behalf.

(b) That the fences or other enclosures which may from time to time enclose said street shall be of design to be approved of by the Law Society and the Ontario Government, and the Dominion Government shall make and maintain proper gates with proper roadways and footpaths to allow the Law Society and the Ontario Government, their tenants and servants, and all other persons authorized in that behalf, by the said Law Society and the Ontario Government, or either of them, at the will and pleasure of



the Law Society and the Ontario Government for all purposes connected with or incidental to the Law Society and its affairs, and the courts and business carried on in Osgoode Hall, and other matters connected with or incidental to the occupation or use of Osgoode Hall and its grounds from time to time, to pass and re-pass, with or without horses, carts, waggons, carriages, and other vehicles and things, to and from the grounds of Osgoode Hall, but so far as horses and carriages are concerned only upon the space now defined as Osgoode street.

(c) That, under joint regulations to be established by the Minister of Militia and Defence and the Law Society, members of the Law Society and law students shall from time to time, when the space south of the drill hall, including Osgoode street, is not required for the purposes of the drilling of troops, or other purposes connected with the Drill Hall be allowed to use the said space for recreation purposes, such use to be at all times subject to the prior requirements connected with said drill hall.

(d) No fence or other erection to be placed upon Osgoode street other than the fences enclosing the same above referred to.

This agreement shall not take effect unless and until the same has been confirmed by an Act of the Legislature of Ontario.

In witness whereof this agreement has been duly sealed and executed by the parties hereto.

In presence of

## CHAPTER 9.

## An Act to amend The Algonquin National Park Act.

*Assented to 7th April, 1896.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

56 V. c. 8, s.  
5, clause (h),  
amended.

1. Paragraph (h), of section 5 of *The Algonquin National Park Act*, is amended by adding the words "pedlars, travelling salesmen and other" after the word "of" in the first line thereof.

Superintend-  
ent to be *ex*  
*officio* a health  
officer.

Rev. Stat. c.  
205.

Rev. Stat. c.  
205.

2. The superintendent of the said park shall be *ex officio* a health officer for the said park and for the territory surrounding the same for the distance of one mile therefrom or from any part thereof, and shall have all the powers and perform all the duties by *The Public Health Act* or any amendment thereto or any other Act conferred or imposed upon medical health officers or local boards of health in the Province; and all park rangers, whether employed temporarily or otherwise, shall be *ex officio* sanitary inspectors under the said *Public Health Act* and shall possess all the powers conferred upon sanitary inspectors under the said Act or any amendment thereto.

## CHAPTER 10.

An Act to authorize the Commissioners of the Queen Victoria Niagara Falls Park to grant certain lands to the Clifton Suspension Bridge Company.

*Assented to 7th April, 1896.*

**W**HEREAS the Clifton Suspension Bridge Company have Preamble.  
by their petition prayed that an Act may be passed conferring upon the Commissioners of the Queen Victoria Niagara Falls Park the powers hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act, and subject to the approval of the Lieutenant-Governor in Council, the Commissioners of the Queen Victoria Niagara Falls Park may grant to the Clifton Suspension Bridge Company a strip of land from off the chain reserve along the Niagara River and abutting the lands now in occupation of the said company.

Park Commissioners empowered to grant strip to Bridge Company.



## CHAPTER 11.

An Act to authorize the transfer of certain Provincial  
Lands occupied by the Canadian Pacific Railway.*Assented to 7th April, 1896.*

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

Lieutenant-  
Governor may  
transfer lands  
now occupied  
by C. P. R.

1. The Lieutenant-Governor in Council may in his discretion transfer to the Dominion of Canada any lands heretofore taken and occupied by the Canadian Pacific Railway for the roadbed, stations, station grounds, and other purposes of the said railway, and included in the plans of the railway deposited by the company in the office of the Minister of Railways and Canals, the same being so transferred to enable the Government of Canada to fulfil its obligations to the said company in that behalf with respect to the railway. The lands so transferable shall be the lands lying between the terminus of the Canada Central Railway near Nipissing known as Calander Station and the western boundary of the Province of Ontario, near Rat Portage, and between the junction at Sudbury on the main line of the Canadian Pacific Railway for the Algoma branch and the river Saint Mary.

Transfer sub-  
ject to grants,  
etc., hereto-  
fore made.

2. Such transfer shall be deemed to be subject to any agreement, lease or conveyance affecting the same made by the Government of Ontario before the passing of this Act, as well as to the limitations and conditions, if any, in the Order-in-Council making the transfer, and the Order-in-Council shall not be deemed to have conveyed or to convey the gold or silver mines in the lands transferred, or to affect or prejudice the rights of the public with respect to common and public highways existing at the date hereof, within the limits of the lands hereby intended to be conveyed.

Effect of  
transfer,

3. Such transfer by Order-in-Council shall be as binding on the Province of Ontario as if the same were specified and set forth in the Act of this Legislature.

CHAPTER

## CHAPTER 12.

## An Act relating to Crown Timber.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The following sub-section is hereby substituted for sub-section 1 of section 11 of the *Act respecting Timber on Public Lands* :—

Rev. Stat.,  
c. 28, s. 11,  
sub.-s. 1,  
repealed

(1) All timber cut under licenses shall be liable for the payment of the Crown dues thereon, with interest thereon and expenses, so long as and wheresoever the timber, or any part of it, may be found in Ontario, whether in the original logs or manufactured into deals, boards or other stuff; and when any license holder is in default for, or has evaded the payment of dues to the Crown on any part of his timber or saw logs, such dues, interest and expenses may be levied on any other timber or saw logs, or their manufactured product, belonging to such defaulter, cut under license, together with the dues thereon, and interest and expenses incurred; and all officers or agents entrusted with the collection of such dues, may follow all timber, and seize and detain the same wherever it is found until the dues, interest and expenses are paid or secured.

Following  
timber cut  
under license  
until dues are  
paid.

2. The following sub-section is hereby substituted for sub-section 2 of section 14 of the said Act.

Rev. Stat., c.  
28, s. 14, sub.-  
s. 2, repealed.

(2) When the timber or saw logs made has or have been removed by any person out of the reach of the officers of the Crown Lands Department, or it is otherwise found impossible to seize the same, such person shall, in addition to the loss of his labour and disbursements, forfeit a sum of \$3 for each tree other than pine and \$10 for each pine tree which he is proved to have cut or caused to be cut and carried away, and in addition the full value of the timber or logs so cut or caused to be cut and carried away.

When timber  
illegally cut  
cannot be  
seized, pen-  
alty.

Rev. Stat.,  
c. 28, s. 20,  
repealed.

Order for  
delivery of  
timber to  
claimant on  
security being  
given.

3. Section 20 of the said Act is repealed and the following substituted therefor :

20.—(1) The alleged owner or claimant of the timber seized may, upon at least four days' notice to the Commissioner of Crown Lands apply to the judge of the county or district court, or in the Rainy River District to the stipendiary magistrate, for an order for the delivery of the timber to the alleged owner or claimant, and the judge or stipendiary may, on receiving security by bond of the alleged owner or claimant, with two good and sufficient sureties, to be approved by the Commissioner of Crown Lands, or by the agent, in such sum as shall also be approved by the Commissioner or agent to pay double the value of the timber in case of condemnation, direct the delivery of such timber to such alleged owner or claimant.

Delivery of  
bond.

(2) The bond shall be taken in the name of the Commissioner of Crown Lands to Her Majesty's use, and shall be delivered to and be kept by the Commissioner.

Trying right  
of seizure.

(3) The judge or stipendiary magistrate may, upon the application of either party, at a time and place to be fixed by him, of which the other party shall have at least seven days' notice, try and determine such seizure, and whether the same was justifiable or otherwise, and shall either condemn the timber or order it to be released.

When seizure  
upheld.

(4) If the seized timber is condemned as having been cut in trespass or without authority, the same shall be again delivered up to the Commissioner or to the officer or agent of the Department of Crown Lands, and the Commissioner may again take possession thereof and sell and dispose of the same and apply the proceeds thereof to the use of the Crown, or may allow the claimant or alleged owner to have and take the same, upon the payment of such sum, for the use of the Crown as the Commissioner shall fix and determine. And if the seized timber is condemned for non-payment of Crown dues, then upon payment to the Commissioner of Crown Lands by the claimant or alleged owner of the unpaid dues with interest thereon and the costs and expenses incurred by the Commissioner, the timber may be surrendered to the claimant or alleged owner, and the bond may be cancelled. Otherwise the penalty of the bond shall be enforced and recovered.

Rev. Stat.,  
c. 28, amend-  
ed.

Agreements  
for supplying  
wood or tim-  
ber from  
Crown lands  
for manufac-  
ture of pulp  
and paper.

4. The following is hereby added as section 22 of the said Act :—

22. Any agreement which may be or which has heretofore been entered into, by her Majesty or by the Commissioner of Crown Lands with any person for the supply of wood or timber, to be used in the manufacture of pulp or similar material, to be taken from the lands of the Crown, shall not prevent Her Majesty or the Commissioner of Crown Lands from selling, leasing, granting or otherwise disposing of any of

the



the wood or timber of the Crown not specifically sold to or allotted to such person, or from issuing licenses or permits to other persons to cut and take any wood or timber not specifically sold or allotted as aforesaid, or from selling, leasing, granting or otherwise disposing of any of the lands of the Crown, whether such lands are included in such allotments or agreements or licenses issued in pursuance of them or not; and other agreements may be made with any other persons to cut and take wood or timber from the lands of the Crown for making pulp or for similar or other purposes, without rendering Her Majesty or the said Commissioner of Crown Lands liable in damages in case of the exhaustion of the supply of such wood or timber, or of the inability of any person with whom a prior agreement was made to obtain a sufficient supply thereof during the whole period for which the agreement is to run, or during which the supply of wood or timber is contemplated by any such agreement, unless in respect of any quantity specifically sold to or actually allotted, or the wood and timber upon specified lands actually allotted, or agreed to be allotted to or for such person and no claim or demand against Her Majesty or said Commissioner shall be made or maintained through or by reason of such sale or other disposition as aforesaid. No such agreement as aforesaid shall extend or run beyond the period of twenty-one years from its date.

5. The Lieutenant-Governor may by special commission appoint any duly appointed Crown timber agent or wood or fire ranger, a justice of the peace for a temporary or limited period, for the purpose of taking cognizance of offences under the *Act to preserve the Forests from Destruction by Fire*; and such person so appointed by commission shall, during the time named therein, have all the powers, rights and privileges for the purpose of enforcing the said Act, or of inflicting fines, penalties or imprisonment thereunder and otherwise of a justice of the peace, and such person so appointed as aforesaid may, by writing, under his hand, appoint any person a constable for a temporary or limited period, for the purpose of the said Act, and he shall have all the powers, rights and privileges for the purposes aforesaid of a constable under the *Act respecting Constables*.

Temporary appointment of justices of the peace for the enforcement of Rev. Stat., c. 213.

Rev. Stat., c. 82.

## CHAPTER 13.

## An Act to make further Provision respecting Mines and Mining.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

55 V. c. 9, s.  
2, sub-s. 2,  
amended.

1. Sub-section 2, of section 2, of *The Mines Act, 1892*, is amended by inserting therein after the word "metals" in the seventh line thereof the words "mineral or minerals."

55 V. c. 9, s.  
53 ; 57 V. c.  
16, s. 7,  
repealed.

2. Section 7 of the Act, passed in the 57th year of Her Majesty's reign, chaptered 16, and section 53 of *The Mines Act, 1892*, are repealed, and the following is substituted for the said section 53 :—

Application of  
Part IV. of 55  
V. c. 6.

(53) This Part shall apply to all mines, quarries and pits, and oil, gas and salt wells, and other openings from which ores or minerals of any kind or class are raised or taken, and to all furnaces or works for smelting or otherwise treating ores, rocks, clays, sands, oils, brines or other minerals for any economic object; and all owners or agents of such mines, quarries, pits, wells, furnaces and works shall observe and keep the provisions of this part, and in case of non-observance thereof shall incur the penalties provided therefor by section 69 of *The Mines Act, 1892*.

55 V. c. 9, s.  
60 sub-s. 1  
amended.

3.—(1) Sub-section 1, of section 60, of *The Mines Act, 1892*, is amended by inserting therein after the word "mine" in the first line thereof the words "quarry or other works."

55 V. c. 9, s.  
60 sub-s. 3  
amended.

(2) Sub-section 3 of the said section is amended by inserting after the word "mine" in the first line thereof the words "quarry or other works."

4. Section 62 of *The Mines Act, 1892*, is amended by striking out the words "provided that this section shall apply only to any working or mine in which more than twelve persons are ordinarily employed below ground," at the end of the said section. <sup>55 V. c. 9, s. 62, amended.</sup>

5. Section 69 of *The Mines Act, 1892*, is amended by inserting therein after the words "and if" in the seventh line thereof the words "the director of the Bureau of Mines or." <sup>55 V. c. 9, s. 69, amended.</sup>

6.—(1) Section 12 of the said Act, passed in the 57th year of Her Majesty's reign, chaptered 16, is amended by striking out the words "July, 1894," in the sixth and seventh lines thereof, and substituting therefor the words "January, 1896," and also by striking out the words "pig metal" in the seventh line thereof, and substituting therefor the words "metallic iron." <sup>57 V. c. 16, s. 12 amended</sup>

(2) Nothing in this section shall prevent payment out of the Iron Mining Fund of any moneys which may have been earned by miners or producers of ore since the first day of July, 1894, as provided in the said Act.



## CHAPTER 14.

## An Act to further improve The Agriculture and Arts Act, 1895.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Agriculture and Arts Amendment Act, 1896*.

58 V. c. 11, s. 6, subs. 3 repealed.

2. Sub-section 3 of section 6 of *The Agriculture and Arts Act, 1895*, is repealed and the following inserted in lieu thereof :

Horticultural societies in certain cities.

(3) Any of the district societies of Ottawa, London, Hamilton and Kingston may, with the consent and approval of the Minister, become and be known as a horticultural society, and at the same time be entitled to receive the grant as though it were a district society, and during its continuance as a horticultural society no other district or horticultural society shall be organized under this Act in the same municipality, provided as follows :

Proviso.

(a) That no other horticultural society is at the time incorporated under this Act in the municipality.

(b) That a majority of the members present at an annual meeting, or at a special meeting called, as provided in paragraph a of section 7, shall by vote express their desire to become a horticultural society.

(c) That a petition to this effect signed by fifty members shall be sent to the Minister.

55 V. c. 11, s. 7, amended.

3. The following is added to section 7 of the said Act as sub-section (e e) :

Quorum at meetings of societies.

(e e) At the said first meeting, and at all subsequent meetings of any agricultural or horticultural society, ten members shall constitute a quorum.

4. Sub-section (1) of section 10 of the said Act is amended by adding at the end thereof the following words:—"At such meeting only those members who have paid their subscription for the ensuing year shall be entitled to vote." 58 V. c. 11, s. 10, subs. 1, amended.

5. Sub-section (4) of section 10 of the said Act is repealed and the following is substituted therefor: 58 V. c. 11, s. 10, subs. 10 repealed.

(4) In the event of the annual meeting not being held as provided for in this Act, or in the event of the number of members on the first day of September in any year being less than the number required for organization, the society shall not be entitled to receive any further financial aid from the Legislature of the Province, and shall be deemed to have been dissolved, but the directors elected at the last properly constituted meeting of the society prior to the said first day of September shall be deemed to be trustees of the assets of the society until the same are disposed of by the order of the Minister as follows: Upon being notified or becoming aware of the dissolution of any society under the provisions of this sub-section, the Minister may order the directors to deliver over the assets, if any, remaining after all just debts have been paid, in the case of a township or horticultural society to the directors of the district society, and in the case of a district society to the directors of the township and horticultural societies of the district in proportion to the number of paid up members of these several societies at the end of the previous year. Dissolution of society for non-compliance with Act.

6. Paragraph (a) of section 21 of the said Act is repealed and the following inserted in lieu thereof: 58 V. c. 11 s. 21(a) repealed.

(a) An amount not exceeding \$420 shall be subject to division among the township and horticultural societies of each district, to be divided in proportion to the number of paid up members of the previous year, as shown by the treasurer's audited statement and the certified list of members sent to the Department, provided that on or before the first day of September of the year in which the grant is paid the treasurer shall make affidavit as to the number of members for the current year, as provided for in section 19 of this Act; but any one society shall not receive more than \$140, nor shall any one society receive more than three times the amount reported as paid up by its members, and not more than one hundred and forty members shall be counted for any one society in making the division of the grant. Apportionment of grant.

7. Section 23 of the said Act is amended by adding at the end thereof the following: 58 V. c. 11, s. 23 amended.

The directors of the societies so uniting shall be directors of the union society, and shall elect, from among themselves, a president, a first vice-president and a second vice-president. Directors of union societies.

They shall also elect, from among themselves or otherwise, a secretary and a treasurer or a secretary-treasurer, and they shall appoint as auditors two persons who are not members of the joint board of directors.

Adoption of regulations of union society.

All the by-laws and regulations of the union society must be approved by two-thirds of all the members of the joint board of directors at a regular meeting or a meeting called specially for this purpose.

58 V. c. 11, s. 28 amended.

8. The following is added to section 28 of the said Act as sub-section 3 :

Dominion and Provincial constables to have free access to fair grounds.

(3) Any Dominion or Provincial constable shall have the right of free entrance to the grounds and to all the buildings on the grounds where a fair or exhibition is being held under the direction of any society or association to which this Act applies, during the time that the fair or exhibition is being held.

58 V. c. 11, s. 30 amended.

9. Section 30 of the said Act is amended by adding at the end thereof the following :

The Dominion Cattle Breeders' Association.

The Canadian Horse Breeders' Association.

58 V. c. 11, amended.

Declaring that certain sections of the Act apply to societies not incorporated under it.

10. The following is added to the said Act as section 29 (a):

29 (a) Upon the petition of any association or society not subject to the provisions of this Act, but formed for carrying out the objects, or any one or more of the objects, of an association or society incorporated under this Act, being presented to the Lieutenant-Governor in Council, the Lieutenant-Governor may, by order-in-council, declare that sub-sections 26, 27, 28 and 29 of this Act shall apply to the association or society so petitioning, and thereafter sections 26, 27, 28 and 29 of this Act shall apply to such association or society in the same manner and to the same extent as if it had been incorporated under this Act, and every such order-in-council shall be published in *The Ontario Gazette* for two weeks following the date of the passing of such order-in-council.

58 V. c. 11, Sched. B, amended.

11. Schedule B annexed to the said *The Agriculture and Arts Act, 1895*, and referred to in section 6 of the said Act, is hereby amended by striking out "Portland" and "Loughborough" from the list of municipalities composing the district of Addington, and transferring them to and inserting them in the list of municipalities composing the district of Frontenac.

Act incorporated with 58 V. c. 11.

12. This Act and *The Agriculture and Arts Act, 1895*, shall be read and construed as one Act.



## CHAPTER 15.

## An Act to amend the Act respecting Veterinary Surgeons.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Notwithstanding anything contained in section 2 of *The Act respecting Veterinary Surgeons*, the person who was by the said section declared to be president of the Agriculture and Arts Association for the purpose of signing the diplomas of pupils of the Veterinary College, is hereby declared to be and to have been from the date of the passing of the said Act, and he shall continue to be president of the said association for the purpose mentioned in the said section until the first day of April, 1897.

Who is to sign diplomas etc.

58 V. c. 30, s. 2, extended.

## CHAPTER 16.

## An Act respecting the Canadian Historical Exhibition.

*Assented to 7th April, 1896.***Preamble.**

**W**HEREAS, the twenty-fourth day of June, 1897, will be the four hundredth anniversary of the landing of John and Sebastian Cabot upon the shore of Cape Breton; and whereas it is desirable that the event should be celebrated in a manner worthy of its importance, and of the benefits which have followed to this country and to civilization generally, from their discoveries; and whereas it is desirable and greatly in the public interest that on the occasion of, and as part of such anniversary celebration, a Canadian Historical Exhibition should be held to illustrate to Canadians generally, to our fellow subjects throughout the Empire, and to the world, the course of the discoveries in North America since the landing of the Cabots in 1497, and also displaying the natural history of Canada, and the social, political, scientific, literary, artistic, industrial and commercial progress in which the Dominion has participated from the discovery to the present time; and whereas such exhibition with its attendant congresses and proceedings will intensify the interest of Canadians of all origins and localities in the history and future of their common country, will tend to consolidate national unity, and will also demonstrate the status to which Canada is entitled among the nations of the world; and whereas the Parliament buildings, belonging to the Province of Ontario, and the University buildings in their immediate neighbourhood, offer facilities for the holding of such an exhibition during the period in the summer in which they are not occupied for legislative or university purposes; and whereas His Honour, the Lieutenant-Governor, and the Honourable, the Council of the Province of Ontario, have consented to pass an Order in Council granting the use of a portion of the Parliament buildings of that Province during the summer of the year 1897 for such purpose; and whereas the authorities of the University of Toronto and Victoria University, McMaster University and Wycliffe College are expected to grant the similar use of their buildings for the same period

subject

subject to such conditions as the said Lieutenant-Governor in Council and said university authorities may impose; and whereas there are reasonable grounds for expecting that there may be surplus receipts from entrance fees to such exhibition, and other sources of profit to provide for the establishment of memorial statues and monuments, and also of buildings as a place of meeting of learned societies, and a permanent museum for the custody and care of such exhibits as it may be desirable to retain as public property, and for other like public purposes; and whereas it is in the public interest that a permanent public museum of Canadian history, art, science and natural history should be established in this Province; and whereas it is in the interest of the public of Canada, and of this Province, that such exhibition should be held and conducted in a manner worthy of its importance; and whereas a committee or association has been formed under the honorary presidency of His Excellency, the Right Honourable, the Earl of Aberdeen, Governor-General of Canada, with the concurrence of members of many universities and learned societies of the Province and of the Dominion, for the purpose of undertaking such exhibition; and whereas it is desirable and expedient that a commission should be incorporated to act in concurrence with such committee for carrying on the said exhibition, and founding and maintaining such museum;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Canadian Historical Exhibition Act*. Short title.

2. The Lieutenant-Governor-in-Council is authorized and empowered to constitute by letters patent, under the Great Seal of the Province, a board of commissioners, under the name of "The Commissioners of the Canadian Historical Exhibition," and such commissioners shall be a body politic and corporate with all the powers of a corporation created by Act of this Legislature. If such corporation shall have been created by letters patent under the seal of Canada this Act shall apply to such corporation. Incorporation of board of commissioners of the Canadian Historical Exhibition.

3. The said commissioners shall be twelve in number, of whom two shall be nominated and appointed by the Governor-General of Canada, upon the advice of the Honorable the Privy Council of Canada, two upon the nomination of the Lieutenant-Governor of Ontario in Council, two upon the nomination of the municipal corporation of the city of Toronto, and the remaining six upon the nomination of the Canadian Historical Association, herein represented by its committee, consisting Constitution of board.



sisting of the following and such others as they may from time to time add to their numbers from members of the association:— O. A. Howland, M.P.P., David Boyle, Ph.D., Eustace Smith, Esq., Miss Mary Agnes Fitzgibbon, J. Castell Hopkins, Toronto; De Léry Macdonald, Esq., Montreal; Sandford Fleming, C.M.G., LL.D., C.E., Chancellor Queen's University, Kingston; The Reverend George M. Grant, D.D., President of the University of Queen's College, Kingston; James Loudon, M.A., President of the University of Toronto; The Reverend Nathaniel Burwash, S.T.D., President of Victoria College; The Reverend W. Clarke, M.A., D.C.L., F.R.S.C., Professor, Trinity University, Toronto; The Reverend Geo. Bryce, D.D., Professor University of Manitoba; G. M. Dawson, C.M.G., D.C.L.; S. E. Dawson, LL.D.; Lieut-Col. F. Denison, M.P.; Douglas Brymner, Esq., LL.D.; A. B. MacCallum, Ph. D., Professor Toronto University; J. Ramsay Wright, M.A., Professor Toronto University; Arthur Harvey, M.A.; James Bain, LL.D.; Alan Macdougall, C.E.; J. C. Hamilton, M.A.; The Reverend O. C. S. Wallace, M.A., Chancellor of McMaster University; The Reverend E. A. Welch, M.A., Provost of Trinity University, Toronto; J. Herbert Mason, Esq.; C. E. Goad, C.E.; R. E. Gosnell, Esq., Victoria, British Columbia.

Tenure of office.

4. The said commissioners shall hold office for a period of three years, or until their successors are appointed. Vacancies shall be filled in the same manner as provided in respect of the original appointments.

Board not to receive compensation, except for disbursements.

5. The commissioners shall receive no compensation, except their actual disbursements in performing their duties out of the proceeds of the exhibition or otherwise, unless otherwise enacted after the close of the said exhibition.

Officers of board.

6. The commissioners shall appoint a president and vice-president, and may appoint and employ a chief secretary and such assistant secretaries as they may find necessary, at such remuneration as they shall fix by resolution, to be paid out of the funds of the commission.

Honorary vice-presidents of exhibition.

7. The persons holding the office of Lieutenant-Governors of the Provinces of Canada shall be honorary vice-presidents of the exhibition, and the commissioners shall have power, with the assent of the Canadian Historical Exhibition Association to nominate from time to time any person or persons in the Dominion of Canada or other parts of the British Empire to be president and honorary vice-presidents.

Board empowered to hold exhibition.

8. The said commissioners shall have all necessary powers and privileges to hold a Canadian Historical Exhibition in such portions of the Parliament buildings of the Province of Ontario and of the universities and other buildings and grounds as

may

may be placed at their disposal by the proper authorities or by any person or corporation during such period or periods as may be permitted by the Lieutenant-Governor in Council and the respective authorities of the said universities and colleges respectively and other proprietors or authorities having control of such buildings and grounds subject to such conditions as may be imposed by the authorities granting the same in that behalf.

9. The commissioners shall have power to administer the funds placed in the hands of the corporation, and to apply them as in their judgment may seem best, to the purposes of preparing, acquiring, collecting, managing, conducting and holding an exhibition generally illustrating natural history, and political, social, scientific, literary, artistic, industrial, military and commercial history and development of Canada and of countries by which Canada or any of its provinces has been in any manner influenced.

Administration and application of funds.

10. The commissioners shall have power to invite and provide out of their funds aforesaid for the attendance and entertainment of Royal, official and representative guests and of delegates from any province of the Dominion or any part of the British Empire or any foreign country at any congresses or conferences which, in their opinion, it may be found suitable and desirable to assemble during the exhibition, and may also provide for the musical and other entertainments, ceremonies, pageants, ethnological camps, zoological and botanical gardens, military and naval reviews, regattas, sports and pastimes, and to offer prizes for, and acquire and publish literary, musical and artistic designs and compositions.

Entertainment of distinguished guests.

Entertainments, etc.

11. The commissioners may undertake the improvement, decoration, care and control of any buildings, grounds, avenues, parks or places which may be placed at their disposal for that purpose by any person, corporation or body, subject to such conditions as may be imposed by the authorities granting the same.

Control of buildings and grounds at disposal of board.

12. The commissioners may make regulations for the purpose of protecting buildings, places and contents, and for keeping order in the buildings and grounds in their charge for the purposes of the exhibition.

Protection of property and preservation of order.

13. The commissioners are hereby empowered to receive from the Government of Canada and the governments of each of the provinces of Canada, Her Majesty's Government and the government of all colonies, provinces and dominions within the Empire, and also from the government of any foreign country and from any university, corporation, society or person within the Empire of Great Britain or any foreign country any

Loans and gifts from governments and other bodies.

loan

loan or gift of any objects, documents or archives which may be thought suitable for the purposes of such exhibition, upon such terms for the acquiring, transport, security and return thereof as may be agreed upon by the commissioners and such donor or lender.

Constitutional  
congress.

**14.** The commissioners are empowered to provide for the assembling and holding of a congress of representatives of governments, universities, law societies and persons resident or subject to any government within the British Empire, for the purpose of considering the history and nature of the principles of government as applied to the constitution and government of the British Empire and the relations and interests of the various kingdoms, colonies, provinces and dominions composing the British Empire, and for the purpose of considering how such relations and interests may be defined, confirmed and improved.

Legislature  
not be deemed to guaran-  
tee debts in-  
curred.

**15.** The Legislature of Ontario shall not, by reason of anything herein contained, be considered as liable for or as guaranteeing any obligation or expense attendant upon such arrangements as may be made under this Act.

All liabilities  
to be charge-  
able on re-  
ceipts of exhi-  
bition.

**16.** The commissioners shall not incur any personal liability by virtue of anything done by them in pursuance of their office, and in furtherance of the foregoing purposes and objects, but the sole fund upon which any liabilities, whatever, by them created or incurred shall be chargeable, or out of which they shall be payable, shall be the funds resulting from the receipts during the holding of the said exhibition.

Aid from  
municipal-  
ities.

**17.** The commissioners may receive from any municipality which may have authority by law to make the same, grants of lands, buildings, or personal property by and with such assent of the ratepayers as may be provided by the proper legislation in that behalf, and to receive from any municipal corporation a guarantee of debentures of the corporation to an extent in any case not exceeding twenty-five thousand dollars, and loans or grants of money to the same extent.

Gifts, grants,  
etc., to board

**18.** The commissioners shall be empowered to receive, for the purposes of the exhibition gifts, grants, loans or guarantees of funds from any person, corporation, municipality or government in aid of the purposes of the exhibition.

Charging fees  
for admission  
to exhibition.

**19.** For the purpose of forming a fund for carrying this Act into effect, the commissioners shall be empowered to charge fees and issue tickets for entrance to all or different parts of the buildings within which the exhibition is being held during the summer of 1897, and to any grounds

which



which may be placed at their disposal upon the terms permitting such privilege; and may receive subscriptions from individuals and corporations in advance, and may, in return, grant such privileges as the commissioners may deem expedient.

20. The commissioners shall have power to issue debentures to an amount not exceeding \$250,000, bearing interest not exceeding four per cent. per annum, and chargeable upon the funds and receipts of the corporation, but such debentures shall not be chargeable upon any buildings, grounds or property of the exhibition or in its possession, nor be deemed to be guaranteed by any government or municipality, society, corporation, or person being a member of or represented upon the commission or the association, except to the extent to which any such government, municipality or other corporation, society or person may agree to guarantee or undertake the payment of such debentures.

Authority to  
issue debentures to  
\$250,000.

21. The commissioners may grant, subject to *The Liquor License Act, 1887*, and amendments thereto, sell, lease or license to persons or corporations privileges of providing for the accommodation of visitors, food, refreshments, conveyance, entertainments and sale of articles of any kind within the limits of any grounds which may be placed in their charge under the provisions of this Act and such receipts shall form part of the revenues and funds of the corporation for the purposes of the exhibition.

Selling and  
leasing catering  
and other  
privileges.

22. In case any person or corporation shall contribute funds for any building, ornament, object or article or improvement of a permanent character, the commission may accept and use such funds for such purpose exclusively and may undertake the charge of such building, ornament, object, article or improvement.

Application of  
contributions.

23. In case any government, corporation, society or person shall grant, subscribe or guarantee funds or debentures of the association upon condition that a proportionate part of the net receipts of the corporation from the exhibition to be held in the year 1897 shall be returned to such Government, corporation, society or person or trustees appointed thereby, for the purpose of acquiring or maintaining museums, pictures, documents, objects or historic sites in any part of the Province of Ontario or any part of the Dominion stipulated as a condition of such gift, grant or guarantee the corporation may so apply a proportion of the net funds resulting from the holding of such exhibition in proportion to the whole of the gifts, grants and guarantees received by it from all sources for the purpose of the exhibition.

Conditional  
gifts to  
exhibition.



Application of  
current re-  
ceipts from  
exhibition.

**24.** The commissioners may apply the receipts of the exhibition to an amount not exceeding \$50,000 to the current expenses of the exhibition—*de die in diem*—and the balance of such receipts shall be primarily chargeable with debentures to be issued by the corporation to the amount of \$100,000; secondarily with any debentures guaranteed by the Governments of Canada or of any of the provinces thereof or of any municipality therein not exceeding \$100,000; lastly with any additional debentures that the commissioners may issue.

Copyrights in  
programmes,  
etc.

**25.** The commissioners shall have the exclusive right of publishing catalogues, photographs, illustrative or descriptive reports relating to the exhibition, except as may be stipulated with individual exhibitors, and may grant assignments and licenses in respect thereof.

Guaranteeing  
debentures in  
lieu of money  
grants.

**26.** In case the Government of Canada or of any Province or municipality grant any sum in aid of the exhibition, the commissioners may with the assent of such government or municipality accept in lieu of such sum a guarantee of payment of the principal of a like sum of the debentures of the corporation with interest at four per cent. per annum. Such debentures shall be made payable within ten years, with the option to the commissioners of paying the same at an earlier date out of the surplus receipts of the exhibition.

Application of  
surplus re-  
ceipts of de-  
bentures.

**27.** In case a surplus of funds shall result from the holding of such exhibition in the year 1897 the same shall be applied primarily to the establishment and maintenance of zoological and botanical gardens, and a memorial museum at the city of Toronto.

## CHAPTER 17.

An Act revising and consolidating the Acts respecting the Registration of Births, Marriages and Deaths.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The term “occupier,” used in this Act, shall be construed to include the master, governor, keeper, warden or superintendent of a gaol, prison, penitentiary, lunatic asylum, poor asylum, hospital, industrial home, house of refuge, or other public or private charitable institution. R. S. O., 1887, c. 40, s. 1. “Occupier,”  
meaning of.

## OFFICE AND DUTIES OF THE REGISTRAR-GENERAL.

2. For the purposes of this Act the Registrar-General of the Province shall be that member of the Executive Council whose department for the time being is charged with the administration of the Act. R. S. O., 1887, c. 40, s. 2. Registrar-  
General.

3. The Lieutenant-Governor in Council may appoint an inspector, whose duty shall be to inspect the different registration offices throughout the Province, and carefully examine the different schedules, to see that the entries and registrations are made and completed in a proper manner and in legible handwriting. He shall institute prosecutions for violations of this Act, whenever so instructed by the Registrar-General. R. S. O., 1887, c. 40, s. 26. Inspector,  
appointment  
and duties of.

4. The Registrar-General shall cause copies, certified by the division registrar, of the original returns of the births, marriages and deaths in each division, together with all the particulars communicated to him by the division registrars, to be arranged, indexed, bound and kept in the office of the Registrar-General. R. S. O., 1887, c. 40, s. 22. Keeping and  
arranging  
returns.

Annual report  
of Registrar-  
General.

5. The Registrar-General shall annually collate, publish and distribute for the use of the Legislature, a full report of the births, marriages and deaths of each preceding year, giving such details, statistics and information as the Lieutenant-Governor in Council may think necessary. R. S. O., 1887, c. 40, s. 24.

Lieutenant-  
Governor to  
make regula-  
tions.

6. The Lieutenant-Governor in Council may from time to time make such rules, orders and regulations as may be required for the purpose of effectually obtaining the information required by this Act. R. S. O., 1887, c. 40, s. 24.

Searching  
records.

7.—(1) Any person shall be entitled at all reasonable hours on payment of a fee of twenty-five cents, and on signing the form of application prescribed by the Registrar-General, to examine the records of births, marriages and deaths kept in the office of the Registrar-General.

Certifying as  
to entries in  
registers.

(2) The Registrar-General shall when requested, issue a certificate containing the details of any entry found in the records of the office, on payment by the applicant of a fee of fifty cents. Any such certificate shall be *prima facie* evidence in any court in the Province of the facts stated therein. R. S. O. 1887, c. 40, s. 23.

Forms.

8. The Registrar-General shall cause such schedules or forms to be prepared from time to time as may be approved by the Lieutenant-Governor in Council in order to the procurement of correct statistical information; and he shall distribute the same to the several division registrars, and the costs and expenses of such forms, and the expenses attendant upon the distribution thereof shall be paid out of the consolidated revenue fund of the Province. R. S. O., 1887, c. 40, s. 5.

#### REGISTRATION DISTRICTS.

Registration  
divisions.

9. All territory within the limits of the Province of Ontario, shall, for the purpose of this Act, be a part of some registration division; every city, town, incorporated village, township or union of townships, shall be a registration division; and any territory not by this Act already included in some registration division may by the Lieutenant-Governor in Council be attached to some existing registration division, or be set apart as a new registration division.

Registrars in  
unorganized  
territory.

10. Where any such registration division is not within any organized municipality, the Lieutenant-Governor in Council may appoint a division registrar for the same, and may make such rules and regulations as may be necessary to secure a correct record of the births, marriages and deaths occurring therein until the territory comprising the registration division,



or some part thereof, either with or without other territory, becomes a municipality.

#### OFFICE AND DUTIES OF DIVISION REGISTRARS.

**11.**—(1) The clerk of every municipality, other than counties, shall be the division registrar of the same. (*See R. S. O., 1887, c. 40, s. 3*). Division registrars.

(2) Every division registrar shall receive the forms sent by the Registrar-General, and keep the same in a place of safety; he shall use all available means to obtain the necessary information as hereinafter required in this Act, and shall make entry thereof on said forms, and he shall on or before the 15th days of January and July in each and every year make his returns for the preceding half year to the Registrar-General. The forms received and prepared by the division registrar, containing the information required by the Act, shall be preserved by him for at least one year, and the information therein contained shall be transferred to schedules or forms certified under his hand for transmission to the Registrar-General. *R. S. O., 1887, c. 40, s. 6.* Duties of division registrars.

(3) The original returns shall be entered and indexed in a book kept by the division registrar for the purpose, the said book to be supplied at the cost of the municipality and to be prepared according to the form prepared by the Registrar-General. Returns to be entered and indexed.

(4) Every division registrar shall further be required to make a return on or before the fifth day of every month, on post-cards supplied by the Registrar-General and prepared for the purpose, of all the deaths from contagious disease occurring within the municipality during the preceding month. Monthly returns of contagious diseases.

**12.** Every division registrar shall, immediately upon registering any death, deliver without fee or reward, to any persons requiring the same for the purpose of burial, a certificate according to the form prepared by the Registrar-General, that the particulars of such death have been duly registered. *R. S. O., 1887, c. 40, s. 15.* Certificate of death.

**13.** In case any division registrar has reason to know or to believe that any birth, marriage or death has taken place within his registration division, and which the legal informant has neglected to register, it shall be his duty to make diligent enquiry into the facts, and if thereupon he shall have reason to know or suspect that such birth, marriage or death has taken place he shall notify the proper party of his duty to register the same. Upon failure of the latter to do so the division registrar shall forthwith supply the inspector of vital statistics for the Province with such information as he possesses in regard to the matter. Inquiry by registrar where proper registration not made.

Correcting  
errors in regis-  
tration.

**14.** If within one year from the registration of any birth, marriage or death with the division registrar, any of the particulars of such birth, marriage or death are found to be incorrect then upon the same being reported to the proper division registrar within the time aforesaid it shall be his duty to enquire into the same and if satisfied that the entry is incorrect to correct the error according to the truth of the case, entering the correction in the margin, without any alteration of the original entry. If the schedule containing a copy of the original entry of such birth, marriage or death has been returned to the Registrar-General the division registrar shall report the error to the Registrar General, whose duty it shall be to correct the error in the margin of the schedule, as well as in the indexed record thereof, without altering the original entry. R. S. O. 1887, c. 40, s. 20.

#### REGISTRATION OF BIRTHS.

Notice of  
birth to be  
given.

**15.** The father of any child born in this Province, or in case of his death or absence, the mother, or in case of the death or inability of both parents, any person standing in the place of the parents, or if there is no such person, then the occupier of the house or tenement in which to his knowledge the child was born, or the nurse present at the birth, shall within thirty days from the date of the birth, give notice thereof to the registrar of the division in which the child was born giving as far as possible the particulars required in the form provided under this Act, with such additional information as may from time to time be required by the Registrar-General. R. S. O., 1887, c. 40, s. 8.

Medical prac-  
titioner  
attending  
birth to regis-  
ter same.

**16.** It shall be the duty of every qualified medical practitioner attending at the birth of any child born within this Province to give notice forthwith thereof to the registrar of the division in which the child was born giving as far as possible the particulars required in the form provided by the Registrar-General, with such additional information as may from time to time be required by the Registrar-General, on forms to be supplied through the division registrar.

Registering  
illegitimate  
births.

**17.** In registering the birth of an illegitimate child, it shall not be lawful for the name of any person to be entered as the father unless at the joint request of the mother and of the person acknowledging himself to be the father; and in all cases of the registration of the birth of illegitimate children the division registrar shall write the word "Illegitimate" in the column set apart for the name of the child, and immediately under the name, if any. R. S. O., 1887, c. 40, s. 9.

Registration  
of birth after  
expiration of  
appointed  
time.

**18.** Although neglect to register any birth within thirty days has occurred, a division registrar may still register the same within one year after the birth has occurred; but if the neglect

neglect has continued for a longer period, the birth shall not be registered except with the written authority of the Registrar-General, and the fact of such authority having been given shall be entered in the column set aside for remarks in the form specially supplied for this purpose. The authority of the Registrar-General shall not, however, extend to the registration of any birth if over ten years shall have elapsed since such birth took place. R. S. O., 1887, c. 40, ss. 10 and 11.

**19.** Where the birth of any child has been registered, and the name, if any, by which it was registered, has been altered, or if it was registered without a name, when a name is given to it, the parent or guardian of the child or other person procuring the name to be altered or given, may within ten years next after the registration of the birth, deliver to the Registrar-General a certificate signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or if the child is not baptized, signed by the father, mother or guardian of the child, or other person procuring the name of the child to be given or altered, and the Registrar-General shall upon the receipt of the certificate make the necessary alteration in the margin of the schedule containing the original entry, without making any alteration in the entry, as well as make the same changes in the index recording such birth. R. S. O. 1887, c. 40, s. 12.

Altering or inserting name after registration.

#### REGISTRATION OF MARRIAGES.

**20.** Every clergyman, minister or other person authorized by law to celebrate marriages, shall report every marriage he celebrates to the registrar of the division within which the marriage is celebrated, within thirty days from the date of the marriage, with the particulars required in the form provided under this Act, and in order to better enable the clergyman, minister or other person to make the report as aforesaid, he shall be furnished by the division registrar of the division in which he resides with blank forms containing the particulars required under this Act. R. S. O. 1887, c. 40, s. 13.

Particulars as to marriages to be furnished to registrars.

#### REGISTRATION OF DEATHS.

**21.** The occupier of a house or tenement in which a death takes place, or, if the occupier be the person who has died, then some one of the persons residing in the house in which the death took place, or if the death has not taken place within a house, then any person present at the death or having any knowledge of the circumstances attending the same, or the coroner who attended any inquest held on such person, shall before the interment of the body supply to the division registrar of the division in which the death took place, according to his or her knowledge or belief, all the particulars required

Particulars as to deaths to be furnished to registrars.



required to be registered touching such death, in the form provided under this Act. R. S. O. 1887, c. 40, s. 14.

Medical practitioners to certify as to deaths.

**22.** Every duly qualified medical practitioner, who was last in attendance during the last illness of any person, shall forthwith on notice of the death of such person, send to the medical health officer of the municipality, in all cities, towns and villages for inspection and subsequent transmission to the division registrar, or in case there is none, to the division registrar of the division in which the death took place, a certificate under his signature of the cause of death, according to the form prepared by the Registrar-General, to be provided by the division registrar, who shall be furnished with such forms, and who shall supply them to the physicians resident within his municipality. R. S. O., 1887, c. 40, s. 17.

Bodies not to be removed until after registration.

**23.** No removal for burial of the dead body of any person shall take place, and no undertaker, clergyman, sexton, householder or other person shall engage in the burial of the dead body of any person unless a certificate of registration has been previously obtained and shown to the person so removing or engaging in the burial of the dead body. Provided that when death from a contagious disease has occurred in any township, a certificate of registration from the nearest division registrar after revision by the medical health officer of the township and his certification thereof endorsed thereon, shall be sufficient; but such division registrar shall forward the certificate to the registrar of the division in which the death occurred.

Duties of persons in charge of cemeteries.

**24.** The caretaker or owner of any cemetery or burial ground, whether public or private, or any clergyman having charge of a church to which a burial ground is attached shall not permit the interment of the dead body of any person in the burial grounds over which he has charge unless he has received a certificate under the hand of the division registrar of the division in which the death took place, that the particulars of the death have been duly registered. He shall further be required before the last day of June and of December in each year to supply to the registrar of the division in which the burial ground is situate, a list of the number of burials therein during the previous half year, giving the names of the persons whose bodies are therein buried and the dates on which the interments took place.

When deaths not to be registered.

**25.** After the expiration of two years next after any death, and in all cases where the dead body of any person is found elsewhere than in a house, that death shall not be registered except with the written authority of the Registrar-General, and the fact of such authority being given shall be entered in the schedule provided for the registration of deaths.

PENALTIES.



## PENALTIES.

**26.** In case any division registrar neglects or refuses to make returns as required by this Act, he shall be notified by registered letter of such neglect by the Registrar-General. If after notification, he shall fail within one month to make such return, it shall be competent for the Registrar-General to refuse to issue the certificate for the payment of the fees due him by the municipality for which the return is made, even though the return should be made at a later date, and he shall upon conviction before any magistrate or justice of the peace, forfeit the sum of \$50 to Her Majesty. Such suit shall be conducted by the county crown attorney when instructed by the Registrar-General, and the costs of the prosecution shall be borne by the municipality in default in the matter of returns. Penalty for registrar's refusal or neglect to make returns.  
R. S. O. 1887, c. 40, s. 1.

**27.** Any person who knowingly or wilfully makes, or causes to be made, a false statement touching any of the particulars required to be reported and entered under this Act, shall, upon conviction thereof before any stipendiary or police magistrate or justice of the peace, forfeit the sum of \$50; and any physician making a false statement as to the cause of death of any person shall be subject to discipline by the Ontario Medical Council. Penalty for making false statements.  
R. S. O. 1887, c. 40, s. 27.

**28.** If any person required by this Act to report births, marriages, deaths or burials to the division registrar refuses or neglects to do so within the time named, such person shall, for each and every offence, forfeit and pay a sum not less than \$1 nor more than \$10 and costs, in the discretion of the presiding magistrate or justice before whom the case is heard; and it shall be the duty of the inspector of vital statistics for the Province on notice by any division registrar to make investigation, and where necessary to institute proceedings against such persons so neglecting or refusing to make the required reports; but, if the return required by this Act to be made by more than one person is made by any one of such persons the other of such persons shall not be liable to any penalty in respect of his default; and such prosecution shall be commenced within two years after the time allowed for reporting the birth marriage, death or burial. Neglecting to report births, marriages or deaths.  
R. S. O. 1887, c. 40, s. 28.

**29.** Any stipendiary or police magistrate or any justice of the peace having jurisdiction within the locality where any offence against this Act has been committed may hear and determine the complaint, and shall have power, in case the penalty and costs awarded by him are not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under his hand and seal; and in default of payment or of sufficient distress, the offender may, by warrant signed and sealed  
Enforcing penalties.  
4 s.

sealed as aforesaid, be imprisoned in the common gaol for a period not less than one day nor more than twenty days, at the discretion of the justice, unless the penalty, costs and charges of commitment are sooner paid. R. S. O. 1887, c. 40, s. 29.

### FEEs.

Fees, how credited.

**30.** All fees received by the Registrar-General shall be placed to the credit of the Registrar-General's department in the books of the Treasurer of Ontario. R. S. O. 1887, c. 40, s. 23.

Fees of division registrars.

**31.—**(1) Every municipality in the Province of Ontario shall pay annually to the division registrar appointed therefor under this Act a fee of twenty cents for each complete registration of a birth, marriage or death returned according to the schedules provided under this Act, on the presentation of the certificate of the Registrar-General to the treasurer of the municipality; but a city or town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to the division registrar.

No certificate for the payment of these fees shall be issued by the Registrar-General until he is satisfied that every return has been made as complete as under the circumstances may be possible. R. S. O. 1887, c. 40, s. 30.

Penalties, distribution of.

(2) The penalties mentioned in this Act shall be payable, one moiety to the informant, and one moiety to the municipality.

Expenses of prosecutions.

(3) All expenses incurred in prosecutions under this Act, in all cases, whether or not a conviction is obtained, shall be payable out of the funds of the municipality to which a moiety of the fines are payable.

Fees of registrars in unorganized territory.

**32.** Fees shall be paid at the rates set forth in section 31 of this Act to every division registrar appointed by the Lieutenant-Governor in Council for any registration division, and not included within any municipality, out of moneys voted by the Legislature for this purpose.

County records of marriages prepared under C. S. U. C., c. 72.

**33.** The county records of marriages prepared under chapter 72 of the Consolidated Statutes of Upper Canada, 1859, by the clerks of the peace and now preserved in the county registry offices, shall on request be delivered to the Registrar-General, and shall be kept for preservation and reference among the records in the office of the Registrar-General.

Rev. Stat. c. 40, repealed.

**34.** The *Act respecting the Registration of Births, Marriages and Deaths*, being chapter 40 of the Revised Statutes of Ontario and all Acts or parts of Acts amending the same are repealed.

## CHAPTER 18.

## An Act to amend The Judicature Act, 1895, and the Law relating to the Superior Courts.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Law Courts Act, 1896.* Short title.

2.—(1) The Acts and parts of Acts mentioned in the Acts schedule to this Act are hereby amended in the manner men- amended. tioned in the last column of the said schedule.

3. The clauses numbered (1) and (2) in section 71 of *The Judicature Act, 1895*, are hereby repealed, and appeals in the 58 V., c. 12, s. 71, s. s. 1 and 2, repealed. cases in said clauses referred to shall be prosecuted in the manner provided in respect to such cases before the passing of the said Act, provided that appeals pending in such cases at the time when this Act comes into force shall be continued as if this Act had not been passed.

4.—(1) The High Court may remove an executor or administrator upon the same grounds as such Court may remove any other trustee, and may appoint some other proper person or persons to act in the place of the executor or administrator so removed. Powers of High Court as to removal of executor or administrator.

(2) The order may be made upon the application of any executor or administrator desiring to be relieved from the duties of the office, or of any executor or administrator complaining of the conduct of a co-executor or co-administrator, or of any person interested in the estate of the deceased.

(3) Subject to any rules to be made under *The Judicature Act, 1895*, the practice in force for the removal of any other trustee shall be applicable to proceedings to be taken in the High Court under this section. 58 V., c. 12.



(4) Where the executor or administrator removed is not a sole executor or administrator the court need not, unless it sees fit, appoint any person to act in the room of the person removed, and if no such appointment is made the rights and estate of the executor or administrator removed shall pass to the remaining executor or administrator as if the person so removed had died.

Executor of  
an executor.

(5) The executor of any person appointed an executor under this Act shall not by virtue of such executorship be an executor of the estate of which his testator was appointed executor under this Act, whether such person acted alone or was the last survivor of several executors.

Order for  
removal.

(6) A certified copy of the order of removal shall be filed with the surrogate clerk and another copy with the registrar of the surrogate court by which probate or administration was granted, and such officers shall at or upon the entry of the grant in the registers in their respective offices make in red ink a short note giving the date and effect of the order and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Certain ac-  
tions against  
municipali-  
ties to be tried  
without a  
jury.

5. All actions against municipal corporations for damages in respect of injuries sustained through non-repair of streets, roads or sidewalks, shall hereafter be tried by a judge without a jury, and the trial shall take place in the county in which the road, street or sidewalk is situated.

Rev. Stat. c.  
61, s. 5,  
repealed.

6. Section 5 of *The Evidence Act* is repealed, and the following substituted therefor:—

Questions  
tending to  
criminate  
witness.

5. Subject to section 9 of this Act, nothing herein contained shall render any person compellable to answer any question tending to subject him to criminal proceedings or to subject him to prosecution for any penalty.

Security for  
costs in ac-  
tions to which  
Rev. Stat., c.  
73, applies.

7. Every officer or person against whom an action or other legal proceeding is brought or shall hereafter be brought, in respect of any cause of action to which the provisions of the *Act to protect Justices of the Peace and others from Vexatious Actions* are applicable, shall have the same right to security for costs as a police magistrate has; and the proceedings shall be the same, as nearly as may be, as where security is applied for by a police magistrate or other justice of the peace under *The Act to provide for Security for Costs in certain Actions against Justices of the Peace*. This section shall apply to any action or legal proceeding now pending or hereafter brought.

53 V., c. 23.

Revenue from  
sale of law  
stamps.

8. The fees payable to the Crown in stamps or otherwise in respect of proceedings in any of the Courts of this Province,

are hereby set apart towards paying the expenses of the due administration of justice in the said courts, and shall not be applicable to any other purpose whatever.

9. The seal heretofore, from time to time, in use in and for the High Court, shall be deemed to have been the proper seal of the High Court, and shall so continue until another seal is authorized by the Lieutenant-Governor in Council; and any seal so authorized by the Lieutenant-Governor in Council may be afterwards changed by the Lieutenant-Governor in Council; and so from time to time the seal authorized by the Lieutenant-Governor in Council for the time being shall be the seal of the High Court.

Seal of High Court.

10. Notwithstanding anything in the 15th section of *The Law Courts Act, 1895*, if from illness or other unavoidable cause a third judge cannot be obtained, a Divisional Court of the High Court may be composed of two members, provided that in case of divided opinion upon any matter argued the same shall at the election of either party be re-argued before a court of three members.

Constitution of Divisional Court under 58 V., c. 13

11. Subject to the rules of court made under *The Judicature Act, 1895*, or under the Acts consolidated therein, and subject to the express provisions of any statute whether passed before or after the commencement of this Act, the costs of and incident to all proceedings in the Supreme Court shall be in the discretion of the court or judge, and the court or judge shall have full power to determine by whom and to what extent such costs are to be paid.

Cost in discretion of court.

12. To remove doubt, it is hereby declared and enacted that, notwithstanding anything contained in section 44 of *The Law Courts Act, 1895*, an appeal lies from any order of a County Court made after the 1st January, 1896, on any motion made or assumed to be made before said date or at the sittings of the County Court holden in January, 1896, under clause 2 or clause 3 of section 41 of *The County Courts Act* repealed by said section 44, but such appeal lies to a Divisional Court of the High Court, instead of as provided in section 41; provided that an appeal in any such case shall be commenced not later than one month from the date of the passing of this Act, and shall be prosecuted in the same manner as other appeals in County Court cases to a Divisional Court.

Appeals from County Courts, 58 V., c. 13, s. 44, amended.

(2) Where an appeal in any such case has heretofore been held not to lie the same may be brought on and prosecuted again after the passing of this Act.

(3) Where an appeal in any such case has already been commenced and is being prosecuted either in the Court of Appeal

or a Divisional Court the same need not be re-commenced after the passing of this Act, but may be proceeded with and if necessary transferred without order to and set down for argument before any Divisional Court which commences its sittings within one month from the passing of this Act.

Appeal to lie to Court of Appeal from judge in court.

**13.** To remove doubt it is hereby declared and enacted that notwithstanding anything contained in the *Law Courts Act, 1895*, an appeal lies to the Court of Appeal from any judgment or order of a judge of the High Court in court, and the Court of Appeal has, and notwithstanding the said Act has had, jurisdiction to entertain such an appeal.

Rules of court prepared under 58 V. c. 13, s. 42.

**14.** The rules of practice heretofore prepared and approved under section 42 of *The Law Courts Act, 1895*, are hereby declared to be and to have been as valid as if contained in an Act of Parliament.

Consolidated Rules of Practice prepared under 58 V. c. 13, confirmed.

**15.** In preparing the Revised and Consolidated Rules of Practice, the commissioners who have been appointed for that purpose, under the 42nd section of *The Law Courts Act, 1895*, (by commission bearing date the 23rd of May, 1895), may incorporate in such revision and consolidation any statutory provisions relating to practice and procedure, with such amendments and additions to such Rules of Practice and statutory provisions as to them may seem expedient; and the rules prepared by said commissioners on being approved under the said section by the judges of the Supreme Court, or by the Lieutenant-Governor in Council, shall be, and are hereby declared to be, as valid as if contained in an Act of Parliament; and nothing in the said rules shall be open to any question as to the jurisdiction to make, approve and authorize the same under the said section or otherwise, but the same shall be subject to be varied or repealed from time to time by the same authority and in the same manner as other Rules of Court.



## SCHEDULE.

(See Section 2).

Act amended.	Section.	Manner in which amended.
(1) "The Judicature Act, 1895."	2, sub-sec. 13	By striking out clause (b) and substituting the following : (b) Where any new duty is, under the rules aforesaid, to be discharged, the proper officer to discharge the same shall be such officer as may from time to time be directed to discharge the same by the President of the High Court.
(2) Same Act ....	14	By striking out the word "for," in the sixth line thereof, and substituting the word "from."
(3) Same Act ....	.....	By inserting after section 16 the following sections : 16a. No Judge against whose judgment an appeal is brought, or who took part in the trial of the cause or matter, or in the hearing in the Court below, shall sit or take part in the hearing of or adjudication upon the proceedings in the Court of Appeal. R. S. O., 1887, c. 44, s. 13.  16b Where a Judge has heard a case in the Court of Appeal and is not present at the time of the judgment of the Court being delivered, his written judgment may be read by one of the other judges of the Court, and shall have the same effect as if he were present. R. S. O., 1887, c. 44, s. 14.  16c. In case, after a cause or matter in the Court of Appeal has been heard and stands for judgment, one of the Judges by whom the appeal was heard is transferred to the Supreme Court of Canada or resigns his office, or is absent from illness or other cause or dies, the remaining Judges, if unanimous in their decision, may give judgment as if such Judge were still a Judge of the Court of Appeal, and were present and taking part in the said judgment. R. S. O., 1887, c. 44, s. 15.
(4) Same Act ...	53	By inserting at the beginning of the clause numbered 1 the words "subject to the provisions of section 13 of <i>The Trustee Act, 1891.</i> "
(5) Same Act....	63	By striking out the words "(except for the purposes of the Criminal Code, 1892)" in the third and fourth lines.

SCHEDULE.

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(6) Same Act ...	71	By striking out the words "instead of as heretofore provided by any statute or rule of Court."
(7) Same Act ...	73	By striking out the words "in other cases" at the beginning of clause (3) and substituting therefor the words "except where an appeal lies under the preceding clause from a Divisional Court to the Court of Appeal," and by inserting after the word "appeal" in the third line of said clause (3) the words "in a cause or matter in the High Court," and by striking out the words "or the Judge whose judgment or order is in question" in the fifth and sixth lines of said clause.
(8) Same Act ...	76	By striking out the words "under any General Orders of the Court of Chancery still remaining in force," in the second and third lines thereof.
(9) Same Act....	80	By striking out the words "Supreme Court of Judicature," in sub-section (2), and substituting the words "High Court of Justice."
(10) Same Act...	81	By striking out the words "Supreme Court of Judicature in sub-section (2), and substituting therefor the words "High Court of Justice."
(11) Same Act ..	81	By inserting the word "not" after the word "is" in the third line of sub-section (3).
(12) Same Act ..	81	By striking out the words "Supreme Court" in sub-section (5) and substituting the words "High Court."
(13) Same Act ..	82	By striking out the words "Supreme Court" and substituting therefor the words "High Court."
(14) Same Act ..	97	By striking out the words "Registrar of the Chancery Division" and substituting therefor the words "Senior Registrar."
(15) Same Act ..	99	By striking out all the words after the word "Act" and substituting therefor the following, viz. :—"perform the like duties as are performed in similar matters in the office of the Registrars and by the Clerk of the Weekly Court or Clerk in Chambers at Osgoode Hall."

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(16) Same Act ..	107	By striking out all the words after the word "trial" in the sixth line.
(17) Same Act ..	111	By striking out of clause (2) the words "at least eight days before the sittings at which the action is to be tried," and inserting instead thereof the words "on or before the fourth day after the close of the pleadings, or in case notice of trial is served before that time, then within two days after service of notice of trial."
(18) Same Act ..	114	By striking out the words "the next preceding two sections," and substituting the words "sections 111 and 112."
(19) Same Act ..	115	By inserting at the beginning of the section the words "Subject to any special statutory provisions in force at the time when this Act comes into force," and the said section shall be read and construed as if the same had originally read as so amended.
(20) Same Act ..	127	By striking out all the words from the beginning down to and inclusive of the word "and" in the twelfth line, and by adding at the end of the section the words "unless the Court or other tribunal otherwise orders."
(21) Same Act ..	131	By inserting after the word "case" in the fourth line thereof the words "in the High Court of Justice."
(22) Same Act ..	141	By striking out the words "one Registrar for each of the Divisions of the High Court and" in the second and third lines and substituting therefor the words "one Clerk of the Crown and Pleas, two Registrars of the High Court;" and by striking out the words "to be attached to the Chancery Division" in the fourth and fifth lines; and by inserting the words "Order in Council or" before the word "Rules" in the ninth line; and by striking out all the words after the word "provided" in the tenth line.
(23) Same Act ..	146	By striking out the words "the Registrars of the Queen's Bench and Common Pleas Divisions" and substituting therefor the words "the Clerk of the Crown and Pleas, the Registrars and Local Registrars of the High Court."



SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(24) Same Act ...	147	By striking out the words "Registrar or Deputy Clerk" in the first line and substituting therefor the word "officer."
(25) Same Act ...	148	By striking out the words "each Registrar" in the second line and substituting therefor the words "The Clerk of the Process, Clerk of the Crown and Pleas and Registrars"; and by inserting at the beginning of the fifth line the words "Local Registrar or"; and by inserting before the words "Deputy Clerk" in the seventh line, the words "Local Registrar or."
(26) Same Act ..	149	By inserting at the beginning of the section the words "The Clerk of the Crown and Pleas."
(27) Same Act ..	151	By striking out the words "issued by him in actions brought at Toronto or."
(28) Same Act ...	152	By striking out the words "the Registrars of the several Divisions" and substituting therefor the words "the Clerk of the Crown and Pleas the Registrars"; and by striking out the words "Presidents of the said Divisions so certify" in sub-section (2) and substituting therefor the words "President of the High Court so certifies."
(29) Same Act ...	156	By inserting after the word "Crown" in the second line the word "Deputy."
(30) Same Act ...	159	By striking out the words "a Divisional Court or Judge" in sub-section (2) and substituting therefor the words "the President of the High Court."
(31) Same Act ...	180	By inserting after the word "Ordinary" in the second line the words "the Clerk of the Crown and Pleas, the Master in Chambers."
(32) Same Act ...	182	By striking out the words "by the Clerk of the Process" and substituting therefor the words "out of the Central Office at Toronto."
(33) Same Act ...	189	By striking out the words "the Registrars and Deputy Registrars" in the ninth line and substituting therefor the words "the Clerk of the Crown and Pleas, Registrars, Deputy Clerks of the Crown, Deputy and Local Registrars."

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(34) Same Act . . .	185	By inserting after the words "in court" in the third line of sub-section (5) the words "or in chambers" and by inserting after the word "including" in the second line of paragraph (a) of said sub-section (5) the words "applications to strike out jury notices, except for irregularity, nor."
(35) Same Act . . .	191	By striking out all the words after the word "elections" in the third line.
(36) The Jurors Act (R. S. O. c. 52.)	69	By striking out the words "the Registrar of the Common Pleas Division of the High Court" and substituting therefor the following: "the proper officer in the Central Office at Osgoode Hall, Toronto."
(37) The Dower Procedure Act (R. S. O. 1887, c. 56.)	5	By striking out the words "a writ under this Act" and substituting therefor the words "a writ of summons in an action for the recovery of dower."
(38) The Creditors' Relief Act, (R. S. O. 1887, c. 65.)	35	By striking out the words "the Court of Appeal" and substituting therefor the words "a Divisional Court on an appeal."
(39) Same Act . . .	38	By striking out all the words after the word "therefrom" in the fifth line and substituting the following:—"to a Divisional Court of the High Court, subject to the like practice, as nearly as may be, as is from time to time in force in respect of appeals from a County Court or Judge, unless and until Rules establishing a different practice shall be made under the provisions of sections 132 and 134 of <i>The Judicature Act, 1895</i> , which shall apply to this Act."
(40) Same Act. . .	39	By striking out section 39.
(41) The Quieting Titles Act, (R. S. O. 1887, c. 113.)	42	By striking out the section and substituting the following:— 42. An appeal shall lie from any order or decision of a Judge under this Act to a Divisional Court or to the Court of Appeal and from the order or decision of the Divisional Court to the Court of Appeal in the same manner and subject to the same restrictions as in the case of appeals from a judgment or order of the High Court in an action.

SCHEDULE.—*Continued.*

Act amended.	Section.	Manner in which amended.
(42) 51 V. c. 6...	2	By striking out the word "The Chancery Division of the High Court of Justice," and substituting therefor the words "the Non-Jury Sittings of the High Court of Justice;" and by striking out the words "The Queen's Bench Division of the High Court of Justice," and substituting therefor the words "the Sittings of Divisional Courts of the High Court of Justice;" and by adding the following as sub-section (2): The said Sheriffs respectively shall be required to attend the Sittings of the Court of Appeal, Divisional Court Sittings, and Sittings of the High Court for trials, as previous to <i>The Judicature Act</i> they attended the sittings of the courts then constituting what is now the High Court, and shall be entitled to receive for attending such Sittings the same fees as are payable to Sheriffs for attending the Assizes.
(43) 52 V. c. 6...	1	By striking out the words "Sheriff of the County of York," in the first line, and substituting therefor the words "Sheriffs of the City of Toronto and County of York," and by striking out the word "him," in the third line, and substituting therefor the words "them respectively."
(44) 56 V. c. 5...	15	By inserting as sub-section (4) the following: If the property to be replevied, or any part thereof, is reasonably supposed to be concealed either about the person or on the premises, of the defendant or of any other person holding the same for him, and in case the sheriff demands from the defendant or such other person deliverance thereof, and deliverance is neglected or refused, he may, and if necessary shall, search and examine the person, and (subject to the preceding clauses) the premises, of the defendant or other person, for the purpose of replevying the property, or any part thereof, and shall make replevin according to the order.
(45) The Definition of Time Act, 1895 (58 V. c. 2).	1	By inserting before the word "by-law" in the third line the words "Rule of Court."



SCHEDULE.—*Concluded.*

Act amended.	Section.	Manner in which amended.
(46) R.S.O. c. 91.	60	By adding the following as sub-section (6.) (6) The Court or Judge may enlarge or abridge the time allowed for appearance in any of the said cases as, and upon such terms and conditions as may seem just.
(47) The Law Courts Act, 1895.	23	By striking out the first clause and substituting the following :— <i>The Overholding Tenants Act</i> is hereby amended as follows :—
(48) The County Courts Act, (R. S.O. c. 47.)	42	By inserting after the words “relating to” in the seventh line, the words “interpleader proceedings.”

## CHAPTER 19.

## The County Courts Act, 1896.

*Assented to 7th April, 1896.*

**H**ER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat.,  
c. 47, s. 18,  
repealed.

1. Section 18\* of chapter 47 of the Revised Statutes of Ontario is hereby repealed, and the following substituted therefor :—

Matters not  
to be within  
jurisdiction of  
county courts.

18. Except in the cases of actions in which by section 20 of this Act or by any other Act jurisdiction is conferred upon county courts or a judge thereof, the said courts shall not have cognizance of any action :—

(1) In which the title to land of a greater value than \$200 is brought in question.

(2) In which the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement is disputed nor where the assets of the estate or fund out of which the amount in question is payable exceeds \$1,000.

(3) For libel and slander.

(4) For criminal conversation or seduction.

(5) Against a justice of the peace for anything done by him in the execution of his office if he objects thereto.

Rev. Stat. c.  
47, s. 19,  
amended.

2. Sub-section 2 of section 19 of the said Act is amended by substituting the figures “\$600” for “\$400” where the latter appears in such sub-section

Rev. Stat.,  
c. 47, s. 19,  
amended.  
Jurisdiction  
of courts.

3. Section 19 of chapter 47 of the Revised Statutes of Ontario is hereby amended by adding thereto the following sub-sections :—

Where parties  
consent in  
actions for  
liquidated  
damages.

(7) In any cause or action relating to debt, covenant and contract where the amount is liquidated or ascertained by the act of the parties or by the signature of the defendant, when

the

the plaintiff and defendant, before the issue of the writ, agree by memorandum in writing signed by them and filed upon the application for the writ, that the court shall have power to try the action.

(8) In actions for the recovery of or for trespass or injury to land where the value of the land does not exceed \$200. Recovery of land.

(9) In actions by persons entitled to and seeking an account of the dealings and transactions of a partnership, the joint stock or capital not having been over \$1,000, whether this account is sought by claim or counter claim. Partnership accounts.

(10) In actions by a legatee under the will of any deceased person, such legatee seeking payment or delivery of his legacy not exceeding \$200 in amount or value out of such deceased person's estate not exceeding \$1,000. Legacies.

(11) In actions by a legal or equitable mortgagee whose mortgage has been created by some instrument in writing, or a judgment creditor, or a person entitled to a lien or security for a debt, seeking foreclosure or sale, or otherwise, to enforce his security, where the sum claimed as due does not exceed \$200. Actions on mortgages.

(12) In actions by a person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed \$200. Actions for redemption.

(13) In actions by any person seeking equitable relief in respect of any matter whatsoever, where the subject matter involved does not exceed \$200. Equitable relief.

(14) Every action or contestation to establish the right of a creditor to rank upon an insolvent estate where the amount of such claim does not exceed \$400. Creditors ranking on estate.

4. The following sections shall be inserted after section 19 of the said Act : Rev. Stat., c. 47, amended.

19a. If during the progress of any action or matter under sub-sections 10 and 11 of the last preceding section, it shall be made to appear to the judge that the subject-matter exceeds the limit in point of amount to which the jurisdiction of the court is therein limited, it shall not affect the validity of any proceedings already had or order already made, but it shall be the duty of the judge by his order to transfer the action or matter to the High Court ; and the whole of the procedure in the said action or matter when so transferred shall be regulated by the rules of the Supreme Court of Judicature for Ontario. Transfer of actions found not to be within the jurisdiction.

Proviso.

When action may be continued in county court notwithstanding excess of jurisdiction.

19b. Provided always, that any party, or person interested may upon notice to the other parties apply to a judge of the High Court for an order authorizing and directing the action or matter to be carried on, continued and completed in the county court, if such action or matter is beyond the jurisdiction of the county court by reason only that the amount of the "joint stock or capital," or "deceased person's personal estate," mentioned and limited in the said sub-sections 10 and 11 exceeds the sum of \$1,000 by an amount not exceeding \$500 if in the opinion of the judge such excess would not prejudicially interfere with a proper trial or completion of said action or matter in said county court. The judge, after hearing the parties or such of them as shall appear, may order that all subsequent proceedings in such action or matter shall be had and taken to completion (including the issue of execution and all proceedings thereon or thereafter) in the county court as fully as though such court had had jurisdiction *ab initio*, or that only certain of such proceedings to be mentioned in the order shall be so had in the county court, and that thereafter the other proceedings shall be had in the High Court as to said judge appears meet and proper, and he may make such order as to the costs of the proceedings had before him as he deems just.

Abandonment of claim for amount in excess of jurisdiction.

5. Where it appears at any time before or during the trial that the claim of the plaintiff is in excess of the jurisdiction of the court, the plaintiff in his discretion may before or during the trial by writing signed by him and filed, upon such terms as the judge deems proper as to costs and otherwise, abandon so much of his claim as is in excess of the jurisdiction of the court. In such case the plaintiff shall forfeit such excess and shall not be entitled to recover it in any other action.

Rev. Stat. c. 47, s. 21, repealed.

Relief which may be granted county courts.

6. Section 21 of *The County Courts Act* is hereby repealed and the following substituted therefor:

21. Every county court shall have legal and equitable jurisdiction and shall, as regards all causes of action within its jurisdiction for the time being, have power to grant, and shall grant, in any action or proceeding in such court such relief, redress or remedy, or combination of remedies, either absolute or conditional, including the power to relieve against penalties, forfeitures and agreements for liquidated damages, and shall in every such action or proceeding give such and the like effect to every ground of defence or counter-claim, equitable or legal (subject to the provision next hereinafter contained) by and upon the same mode of procedure, and in as full and ample a manner as might and ought to be done in the like case by the High Court.

Rev. Stat. c. 47, s. 34, amended.

7. Section 34 of the said Act is amended by adding at the end thereof the words "or by the clerk of the court" and the



word "master" where it appears in sections 35 and 36 of the said Act shall for the purposes of this amendment include the clerk of the county court.

"Master" meaning of.

8. Upon every reference under section 34 of *The County Courts Act* the fees to be paid and the costs to be allowed whether as between party and party, or solicitor and client, shall be in accordance with the lower scale tariff of the High Court, and the words "local master," where used in said section 34, shall include the judge of the county court before whom the case is pending, when he is a local master.

Costs of reference under Rev. Stat. c. 47.

9. Sub-section 1 of section 23 of *The County Courts Act* is repealed and the following substituted therefor :

Rev. Stat. c. 47, s. 23, repealed.

23.—(1) Where it appears in an action otherwise of the proper competency of the county court that such court has not cognizance thereof from the title to land beyond the value of \$200 being brought in question, or from the validity of a devise, bequest or limitation under a will or settlement being disputed, and the devise, bequest or limitation exceeding in value \$200, or from the assets of the estate or fund out of which the amount in question is payable exceeding \$1,000, a judge of the High Court or a judge of the county court before whom the cause is pending, may (subject to section 19b of section 3 of this Act) order a writ of *certiorari* to issue out of the High Court, to remove the cause into the High Court ; and the cause when removed into the High Court shall be proceeded with in the said court in the manner pointed out in section 25 of this Act.

Where title to land beyond the value of \$200 is called in question.

10. Actions under sub-section 8 of section 19 of the said Act as amended by section 2 of this Act shall be brought and tried in the county where the land is, and actions under sub-section 9 of the said section as so amended shall be brought and tried in the county where the partnership had or has its principal place of business, and actions under sub-section 10 of the said section as so amended shall be brought and tried in the county where letters probate or of administration have issued, or where the deceased resided at the time of his death, unless by consent of the parties or unless the venue shall be changed by the county judge or a judge of the High Court.

Venue for certain actions.

11. Section 27 of *The County Courts Act* is hereby repealed and the following substituted therefor :

Rev. Stat., c. 47, s. 27, repealed.

27. When it is intended by a pleading to bring into question the title to land, or to any annual or other rent, duty, or other custom or thing, relating to or issuing out of lands or tenements of greater value than \$200, or to dispute the validity of any devise, bequest or limitation exceeding \$200 under any will or settlement or when it is intended by any pleading

Pleading want of jurisdiction.

to exclude the jurisdiction of the court upon the foregoing or upon any other ground it shall be so expressly stated in the pleading, and the matter relied on for that purpose shall also be set out in the pleading.

Taking issue on pleading want of jurisdiction.

**12.** Issue may be taken on any such pleading or reply may be made or a summary application may be made to the judge to determine whether the jurisdiction of the court is by such pleading *bona fide* brought in question. If the judge is of opinion that the jurisdiction of the court is not so brought in question he may direct the pleading to be amended or to be struck out. Where the judge is of opinion that the jurisdiction of the court is properly and *bona fide* brought in question by any pleading he may order that the cause be transferred to the High Court or that a writ of *certiorari* issue to remove the cause into the High Court as the case may require

Rules, orders and forms.

**13.** The rules, orders and forms applicable to similar cases and under similar conditions in the High Court shall apply to all actions, suits or proceedings had, instituted or pending under the additional jurisdiction given by this Act to county courts unless and until additional or other rules applicable to such cases are made by the judges empowered by *The County Courts Act* to make rules of court with respect to county courts.

Rev. Stat. c. 47, s. 42, amended.

**14.** Section 42 of *The County Courts Act* is amended by inserting after the words "relating to" in the seventh line thereof the words "interpleader proceedings."

Only one judge to be appointed where population of county does not exceed 80,000.

**15.** In the case of any county or union of counties having a population not exceeding 80,000, for which there are at the time of the passing of this Act two judges, and hereafter one of them dies, resigns his office or is removed therefrom, there shall thereafter be but one judge of the said county or union of counties, and there shall be no appointment of another judge in the place of the judge so dying.

Act incorporated with Rev. Stat., c. 47.

**16.** This Act shall be read with and as part of *The County Courts Act*.

## CHAPTER 20.

## An Act respecting Surrogate Courts.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) The surrogate court by which the grant of probate or letters of administration was made shall where the entire estate left by the testator or intestate does not exceed \$1,000 have the like authority for the removal of an executor or administrator as is by any Act of this session conferred upon the High Court, and nothing in this Act contained shall affect the jurisdiction of a Surrogate Court to revoke a grant of probate or of letters of administration in any case where it now possesses such authority. Power to remove executors or administrators in certain cases.

(2) Where the executor or administrator removed is not a sole executor or administrator the court need not, unless it sees fit, appoint any person to act in the room of the person removed, and if no such appointment is made the rights and estate of the executor or administrator removed shall pass to the remaining executor or administrator as if the person so removed had died.

2. Subject to rules to be made under *The Surrogate Courts Practice*, the practice in the Surrogate Courts under this Act shall be the same as nearly as may be as the practice in force in respect of proceedings for the revocation of grants of probate. Rev. Stat. c. 50.

3. The executor of any person appointed an executor under this Act shall not by virtue of such executorship be an executor of the estate of which his testator was appointed executor under this Act, whether such person acted alone or was the last survivor of several executors. Executor of an executor.

4. A certified copy of the order of removal shall be filed with the surrogate clerk and another copy with the registrar of the Surrogate Court by which probate or administration was granted, Order for removal.

granted, and such officers shall at or upon the entry of the grant in the registers in their respective offices make in red ink a short note giving the date and effect of the order and shall also make a reference thereto in the index of the register at the place where such grant is indexed.

Approval of  
accounts by  
surrogate  
judge to be  
binding in  
high court.

5. Where an executor or administrator has filed in the proper Surrogate Court an account of his dealings with the estate of which he is executor or administrator, and the judge has approved thereof, in whole or in part, if the executor or administrator is subsequently required to pass his accounts in the High Court, such approval except so far as mistake or fraud is shown shall be binding upon any person who was notified of the proceedings taken before the surrogate judge, or who was present or represented thereat, and upon every one claiming under any such person.

Rev. Stat. c.  
50, s. 6,  
amended.

6. The first two lines of section 6 of *The Surrogate Courts Act* are hereby repealed, but the said repeal shall not affect any judge now a judge of the surrogate court.

Rev. Stat. c.  
50, Schedule B.

7. Schedule B to the said Act is hereby amended by striking out the words and figures following: On evidence if taken before judge (per folio) 20" being the last item of the said schedule.



## CHAPTER 21.

## An Act respecting Disputes concerning Boundary Lines.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act shall not apply to lands situated in any city, town or incorporated village. Application of Act.

2. If it shall appear in any action, suit, or other proceeding commenced after the coming into force of this Act that a material question to be judicially determined between the parties is the true definition of a boundary line between adjoining lands, such question shall be referred for trial to a special referee who shall be an Ontario land surveyor, and who shall, by a proper survey as directed by chapter 152 of the Revised Statutes of Ontario, 1887, and any amendments thereto, and in addition, but only where he shall deem it necessary upon hearing the evidence under oath adduced by the parties, and what shall be said by their counsel, if any, define upon the ground by such posts and monuments as he shall deem sufficient, the true boundary, or division line so in dispute, and he shall in his report set forth his mode of procedure and what he shall have done in the premises under the reference to him, and also such further or other facts and circumstances as may be necessary to enable the court to finally determine the said question, including the question of the costs of the said issue. Questions arising in any action as to boundary line to be referred to surveyor.

3. The application for the said reference may be made by any party to the litigation at any time after the commencement of the suit or other proceeding upon an affidavit of any person familiar with the facts, and such application shall be an ordinary chamber application and subject to all the rules of practice applicable to such applications. Application for reference.

Reference to  
be subject to  
58 V. c. 12,  
s. 105.

4. The said reference shall be regarded as a reference under section 105 of *The Judicature Act, 1895*.

Agreement as  
to surveyor  
to whom  
reference shall  
be made.

5. The parties to the litigation may agree upon the Ontario land surveyor to be named as such special referee as afore-said, but if they fail to agree he shall be named and appointed by the judge in chambers before whom the said application is made.

When refer-  
ence may be  
dispensed  
with.

6. If upon the said application it shall appear that from the nature of the other issues to be determined in the said litigation between the said parties, or for other good cause shewn, it would be a saving of expense or otherwise to the advantage of both parties not to direct the said reference, then and in such case the said reference may be dispensed with and the said issue shall be tried as heretofore.

Act incorpor-  
ated with 58  
V. c. 12.

7. This Act shall be read and construed as *in pari materia* with *The Judicature Act, 1895*, and amendments thereto, and with the consolidated general rules respecting practice now or hereafter in force in this Province applicable to the subject matter hereof.

Reference of  
disputed  
boundary  
lines by con-  
sent of parties.

8. In case all parties to the dispute concerning a boundary line consent, a summary application may be made to the judge or acting judge of the county court of the county in which the said lands are situated to name a special referee under this Act without any prior proceedings having been commenced or being then pending, and in such case the said referee shall proceed as hereinbefore directed and his report of and concerning the premises shall have the force and effect of a final award between the said parties concerning the said disputed boundary line, and may be registered by either party thereto in the proper registry office against the lands affected thereby.

Where parties  
fail to agree.

9. In case the parties to the litigation or dispute fail to agree upon the Ontario land surveyor to be named a special referee under the provisions of this Act, the court or judge to whom application is made for the reference shall not name or appoint an Ontario land surveyor who has theretofore been concerned in the survey of the lands in question or any part thereof or been otherwise engaged in directing a survey which affects or might affect such lands or which involves the determination of a like question to that in dispute, nor shall the Ontario land surveyor appointed in such case be or have been at any time ten years prior thereto a resident of the county in which the lands in question in the action pending are situate.

## CHAPTER 22.

## An Act respecting the Estates of Insolvent Deceased Persons.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1.—(1) On the administration of the estate of a deceased person, in case of a deficiency of assets, every creditor in proving his claim shall state whether he holds any security for his claim or any part thereof, and shall give full particulars of the same and if such security is on the estate of the deceased debtor, or on the estate of a third party for whom the estate of the deceased debtor is only indirectly or secondarily liable, the creditor so proving his claim shall put a specified value on such security and the executor or administrator, under the authority of the other creditors of the estate of the deceased, or of the court if the estate is being then administered under the direction of or by a court, may either consent to the creditor's ranking for the claim after deducting such valuation, or he may require from the creditor an assignment of the security at an advance of ten per cent. upon the specified value to be paid out of the estate as soon as the executor or administrator has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the security is retained and the amount of the gross claim of the creditor shall be the amount for which he shall rank upon the estate of the deceased debtor.

Creditor holding security to value the same.

(2) If the claim of the creditor is based upon negotiable instruments upon which the estate of the deceased debtor is only indirectly or secondarily liable, and which are not mature or exigible, the creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof, but after the maturity of

When claim is based on negotiable instruments.

such

such liability and its non-payment, he shall be entitled to amend and re-value his claim.

Creditor holding security may assign same and rank as unsecured creditor.

2. A creditor holding any security as aforesaid on the estate of a deceased debtor, or on the estate of a third party for whom the estate of such debtor is only secondarily liable, may release or deliver up such security to the executor or administrator, or he may by statutory declaration delivered to the executor or administrator set a value upon such security; and from the time he shall have so released or delivered up such security or valued the same, the debt to which such security applied shall be considered as an unsecured debt of the estate, or as being secured only to the extent of the value set upon such security; and the creditor may rank as and exercise all the rights of an ordinary creditor, for the amount of his claim, or to the extent only of any balance thereof above and beyond the value set upon such security as the case may be.

When creditor holding security fails to value same.

3. In case a person claiming to be entitled to rank on the estate holds security for his claim or any part thereof, of such a nature that he is required by this Act to value the same, and he fails to value such security, the judge of the surrogate court, who granted the probate or letters of administration, may, upon summary application by the executor or administrator, of which application three days' notice shall be given to such claimant, order that unless a specified value shall be placed on such security and notified in writing to the executor or administrator within a time to be limited by the order such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate, and if a specified value is not placed on such security and notified in writing to the executor or administrator according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor.

Administration under the direction of a court.

4. When the estate is being administered by or under the direction of a court, such court shall exercise the jurisdiction conferred by the preceding section upon the judge of the surrogate court.



## CHAPTER 23.

## An Act respecting Fraud by Debt Collectors.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every person, whether principal or agent, who prints or publishes any notice or form which is an imitation, or a colourable imitation of any of the forms appended to *The Division Courts Act*, and which is calculated to deceive the public by inducing the belief that such notice or form is a notice or form from the said court, or is part of the process of a division court, or who issues or makes use of any such notice or form in connection with any collection agency or otherwise, shall be liable to a fine not exceeding \$20, for every day on which any such offence is committed, the said fine to be recovered before a justice of the peace of the city or county with costs.

Penalty for issuing imitations of division court notices.

## CHAPTER 24.

## An Act respecting Justices of the Peace in the Districts of Thunder Bay and Rainy River.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Justices resident in Rainy River not to have jurisdiction in the remainder of Thunder Bay.

1. All justices of the peace now residing in that portion of the provisional judicial district of Thunder Bay which forms the territorial district of Rainy River, shall cease to have any authority in the remainder of the district of Thunder Bay and shall be justices of the peace for the said territorial district of Rainy River by the same tenure of office, without new commissions and without again taking any oath, and all justices of the peace now residing in the district of Rainy River shall cease to have any jurisdiction in the district of Thunder Bay.

Rev. Stat c. 91, s. 10 clause (b) repealed.

2. Paragraph (b) of section 10 of *The Unorganized Territory Act* is hereby repealed, and all returns of convictions required by law to be made by any justice or justices of the peace for the district of Rainy River shall be made to the district attorney of the said district.

## CHAPTER 25.

## An Act respecting Fees of Jurors on Coroners' Inquests.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every juryman actually sitting at a coroner's inquest shall be entitled to receive the sum of fifty cents for any day where such inquest does not last more than four hours, and where the time occupied by such inquest on any day exceeds four hours, \$1 per day for each such day he attends such inquest, and every such juryman shall be paid the sum of ten cents per mile for each mile he necessarily travels from his place of residence to the place where the said inquest is held. Fees of jurors coroners' inquests.

2. The amounts to be paid to coroners' jurors under the provisions of this Act shall be certified by the coroner who shall make his order for payment thereof on the treasurer of the county, where the inquest is held in the county, and on the treasurer of the city or town separated from the county where death occurs, and the inquest is held in such city or separated town, and the treasurer on whom such order may be made under the provisions hereof shall pay the sum or sums mentioned in the order to the persons entitled thereto out of any funds he may have on hand. Payment of jurors' fees.

3. This Act shall be read with, and form a part of, chapter 80 of the Revised Statutes of Ontario, 1887, intituled *An Act respecting Coroners*, but shall not apply to inquests held under the provisions of section 3 of the said Act. Act incorporated with Rev. Stat. c. 80.

## CHAPTER 26.

## An Act respecting High and County Constables.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Appointment  
remuneration  
and equip-  
ment of high  
constable.

1. The municipal council of every county or union of counties shall, where a high constable has not been appointed, or where the office is vacant, appoint a fit and proper person to be high constable for the county or united counties, and may fix his remuneration by salary or otherwise, and may allow him such sums for expenses, and may supply such arms, accoutrements, clothing and other necessities as may be deemed proper.

When ap-  
pointment to  
be made.

2. In case the council does not within three months after the passing of this Act make an appointment to the said office or fill such vacancy, the appointment may be made by the county judge, the warden, the sheriff and the county crown attorney, or any three of them, and the person so appointed shall hold the office of high constable until his appointment is confirmed or a new appointment made by the council under the authority of this Act.

Present high  
constable con-  
tinued under  
this Act.

3. In counties where there is, at the time of the passing of this Act, a high county constable duly appointed, he shall continue to be high constable under the same tenure of office, and shall have the same powers and privileges, and be subject to the same liability, and to the performance of the same duties, and shall be subject also to suspension by the Inspector of Legal Offices, in the same manner as if he had been appointed under this Act.

Oath of high  
constable.

4. Every person who may hereafter be appointed under this Act to be a high constable shall, before entering on the duties of his office, take and subscribe the following oath, which any justice of the peace may administer :—



I, \_\_\_\_\_, do swear that I will well and truly serve Form of.  
 Our Sovereign Lady the Queen in the office of high constable  
 for the county (or united counties) of \_\_\_\_\_ without favor  
 or affection, malice or ill-will; and that I will, to the best of  
 my power, cause the peace to be kept and preserved, and will  
 prevent all offences against the persons and properties of Her  
 Majesty's subjects; and that while I continue to hold the said  
 office, I will, to the best of my skill and knowledge discharge  
 all the duties thereof faithfully according to law: So help me  
 God.

The oath, together with a copy of the by-law, resolution or Oath and ap-  
 pointment to  
 be deposited  
 with clerk of  
 peace.  
 other writing by which he was appointed, shall be by him  
 deposited in the office of the clerk of the peace, who shall  
 immediately notify the Inspector of Legal Offices of the ap-  
 pointment.

5. All persons appointed to be high constables shall hold High con-  
 stable to hold  
 office during  
 pleasure of  
 council.  
 office during the pleasure of the council of the county or  
 united counties for which they are appointed.

6. Every high constable so appointed or continued in office To have super-  
 vision of other  
 constables.  
 under this Act shall have the supervision of all the constables  
 in his county, and he shall be charged with the special duties  
 of preserving the peace, preventing robberies and other crimes,  
 and apprehending offenders; and shall have generally all the  
 powers and privileges and be liable to all the duties and  
 responsibilities, which belong to constables duly appointed.

7. The high constable of any county may upon the recom- May be ap-  
 pointed provin-  
 cial  
 constable.  
 mendation of the sheriff and county crown attorney, be, by  
 the Lieutenant-Governor in Council, appointed to be or auth-  
 orized to exercise, the powers of a provincial constable.

8. Every high constable shall be entitled to the fees allowed To be entitled  
 to fees unless  
 otherwise  
 provided.  
 by law for services rendered by him, unless the council other-  
 wise provides for payment therefor.

9. The inspector of legal offices shall have authority to Inspector of  
 legal offices  
 may inspect  
 and hold  
 enquiries in  
 respect of high  
 and county  
 constables.  
 inspect the offices of high constables and county constables,  
 and to hold inquiries into the conduct of any of the said  
 officers in connection with their official duties.

10. When the said inspector has occasion to institute an Inspector may  
 examine on  
 oath and com-  
 pel attendance  
 of witnesses.  
 inquiry into the conduct of any of the said officers in relation  
 to their official duties or acts, it shall be lawful for him to  
 require such officer or any other person or persons to give evi-  
 dence on oath; and for this purpose the said inspector shall  
 have the same power to summon such officers and other per-  
 sons to attend as witnesses, to enforce their attendance, and to  
 compel them to produce books and documents and to give evi-  
 dence, as any court has in civil cases; and the said officers

shall

shall from time to time make such returns respecting their duties and acts as the said inspector may require.

Inspector may suspend high constable.

**11.** The inspector of legal offices may suspend any constable for any period which shall not extend beyond one week after the next meeting of the county council. The suspension shall be by notice in writing, and in case the inspector considers the suspended officer deserving of dismissal, the inspector shall immediately after suspending him report the case fully to the county clerk for submission to the county council at its next meeting; and the council may dismiss the officer, or direct him to be restored to his office after the period of his suspension has expired, or after such further period of suspension as the council may order.

Rev. Stat. c. 82, s. 1, amended.

**12.** The words "a county high constable, and" are struck out of the third line of section 1 of *The Act respecting Constables*, being chapter 82 of the Revised Statutes of Ontario, and the following words are added to the said section:—"Every constable appointed by any authority under this Act shall, while he holds office, be a county constable."

Payment of percentage on constable's account on recommendation of county judge.

**13.** On the presentation of his account for services and disbursements duly verified, with the certificate of the magistrate, in the form in the schedule to chapter 85 of the Revised Statutes of Ontario, and a recommendation of the county judge, naming the amount, a high or county constable shall be entitled to be paid seventy-five per cent. of such account without waiting for a meeting of the board of audit to pass the same. If the board of audit afterwards finds that he has been overpaid for such services and disbursements, the constable shall refund the balance so overpaid, and if not so refunded it may be deducted from his next account.

Board of audit may allow sum in addition to tariff fees.

**14.** In proper cases the board of audit may, upon the recommendation, in writing, of the magistrate and high constable, allow a reasonable amount to a county constable for his services, in addition to the fees provided by the tariff.

In case of emergency reeve and county attorney may order advance to constable.

**15.** In case of emergency and absence of the warden, or inability to communicate with him in time, the reeve of the municipality in which the offence was committed, or is supposed to have been committed, shall, jointly with the county crown attorney, have authority to direct the payment in advance by the county treasurer to any high or county constable of a sum not exceeding ten dollars, in respect of any special services deemed by them to be necessary for the detection of crime or the capture of persons who are believed to have committed crimes of a serious character; and shall certify on the account to be rendered by the constable what they may

deem.

deem to be a reasonable allowance for the services, and the treasurer shall, on the written order of the warden or reeve and county crown attorney, pay the sum so directed to be advanced, as in other cases in the administration of justice.

**16.** The table of fees in the schedule appended to this Act shall be and constitute the fees to be taken by constables for the services therein mentioned, and so much of the schedule appended to chapter 83 of the Revised Statutes of Ontario, 1887, as relates to constables is hereby repealed. Table of fees to constables.

**17.** That part of the schedule appended to chapter 86 of the Revised Statutes of Ontario, 1887, which relates to constables is amended by adding thereto the following items:— Rev. Stat. c. 86, schedule, amended.

*5a.* Mileage travelling to attend assizes, sessions or before justices. (*Tariff Item 9.*)

*7a.* Returning with prisoner after arrest, conveyance or railway fare for prisoner. Only reasonable disbursements to be allowed and public conveyance to be used when practicable. (*Tariff Item 6a.*)

### SCHEDULE.

1. Arrest of each individual upon a warrant .....	\$ 1 50
2. Serving summons or subpcena .....	0 25
3. Mileage to serve summons, subpcena or warrant ..	0 13
4. do when service cannot be effected upon proof of due diligence.....	0 13
5. Mileage taking prisoner to gaol, exclusive of disbursements necessarily expended in his conveyance .....	0 10
6. Returning with prisoner after arrest, conveyance or railway fare for prisoner. Only reasonable disbursements to be allowed, and public conveyance to be used when practicable.	
7. Attending justices on summary trials, or on examination of prisoners charged with crime, for each day necessarily employed in one or more cases .....	\$1 50
8. Attending assizes or sessions each day .....	1 50
9. Mileage travelling to attend assizes, sessions, or before justices (when public conveyance can be taken, only reasonable disbursements to be allowed) .....	0 10

10. Summoning jury for coroners' inquest, including attending at inquest, and all services in respect thereof, if held on same day as jury summoned.	\$3 00
11. Attending each adjournment thereof .....	1 50
12. Serving summons or subpoena to attend before coroner (subject to No. 10) .....	0 25
13. Mileage serving same .....	0 13
14. Exhuming body under coroners' warrant .....	4 00
15. Reburying same .....	2 00
16. Serving distress warrant and returning same .....	1 50
17. Advertising under distress warrant .....	1 00
18. Travelling to make distress or to search for goods to make distress, when no goods are found .....	0 13
19. Appraisements, whether by one appraiser or more, two cents in the dollar on the value of the goods.	
20. Catalogue sale and commission, and delivery of goods, five cents in the dollar on the net produce of the goods.	
21. Executing search warrant .....	1 50
22. Serving notices on constables, when personally served .....	0 50



## CHAPTER 27.

## An Act to authorize Police Constables to take Bail.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Where a person charged with an offence against any statute of the Province of Ontario, or against any by-law passed under any such statute, is brought in with or without the warrant of a justice into the custody of a constable in a city during his attendance at a police station in the said city at any time by day or night, the police officer in charge of the station may, if he thinks the case a proper one, take bail without fee from that person, by recognizance conditioned for his appearance for examination within two days before the police magistrate or other justice in the city or town at the time and place therein specified. When constables or persons in charge of police stations may take bail.
2. A recognizance so taken shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof as if taken before a justice. Effect of recognizance so taken.
3. The said constable shall enter in a book kept for that purpose in every police station, the name, residence and occupation of the person entering into the recognizance, and of his surety or sureties, if any, with the condition of the recognizance, and the sums acknowledged. Entry of recognizance by person taking same.
4. The constable shall make a return of all recognizances taken by him to the police magistrate or other justice present at the time when, and place where, the recognizer is required to appear. Return of recognizance to magistrate on day for appearance of recognizer.
5. If the recognizer does not appear at the time and place required, or during the time such police magistrate or other justice is sitting, the police magistrate or justice shall within Record of recognizance when accused fails to appear.

forty-eight hours after such failure to appear cause a record of the recognizance to be drawn up and signed by the said constable, and shall return the same to the next court of quarter sessions for the county in which the city is situated, with a certificate at the back thereof signed by the police magistrate or justice, that the recognizor has not complied with the obligation therein contained.

Proceedings  
on estreat of  
recognizance.

6. The clerk of the peace shall make the like estreats and schedules of every such recognizance as of recognizances forfeited in quarter sessions.

Enlarging  
recognizance.

7. If the recognizor applies by any person on his behalf to postpone the hearing of the charge against him, and the justice thinks fit to consent thereto, the justice may from time to time enlarge the recognizance to such further time or times as he appoints and unless the sureties appear and object they shall continue bound until the final determination of the charge before such police magistrate or justice.

Recognizance  
to be dis-  
charged with-  
out fee.

8. When the matter is heard and determined, either by the dismissal of the charge, or by binding over the recognizor to answer the matter of the complaint at quarter sessions or otherwise, the recognizance for his appearance before a justice shall be discharged without fee.

## CHAPTER 28.

## An Act respecting the Quieting of Titles.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Quieting Titles Act, 1896*. Short title.

2. Section 14 of *The Quieting Titles Act* is to be read as if the following words were prefixed thereto, "except as hereinafter provided," and the following is to be added to the said section as a sub-section thereof :

Rev. Stat. c.  
113, s. 14,  
amended.

(2) Where the value of the land in question is proved by the oath of some competent person or persons to be no more than \$3,000, the judge may dispense with the publication of the advertisements aforesaid, or any of them, and in lieu thereof may direct a printed or type-written notice of the application, or order or decision of the judge thereon, to be posted in a conspicuous place or conspicuous places on the premises in question, and in such other place or places (if any), and for such period or periods as he may think fit; and in such cases the certificate or conveyance shall not be signed or executed until such period or periods shall have expired.

Notice of  
application  
where land is  
valued at  
\$3,000 or less.

3. Section 42 of *The Quieting Titles Act* is amended by striking out all the words after the words "Divisional Court," and substituting therefor the words "of the High Court or to the Court of Appeal in the same manner and subject to the same restrictions as in the case of an appeal from a judgment in an action."

Rev. Stat. c.  
113, s. 42  
amended.

Appeals.

## CHAPTER 29.

## An Act to amend The Registry Act, 1893.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 21  
s. 29, amended.

1. Section 29 of *The Registry Act 1893*, is amended by inserting after the word “conveyance” in the twentieth line of the said section, the words “release, acknowledgment.”

56 V. c. 21  
s. 76, amended.

2. Section 76 of the said Act is amended by striking out all the words therein from the word “and,” where it last occurs in the fourteenth line, to the word “name,” in the twenty-first line, of the said section, inclusive.

56 V. c. 21  
s. 96,  
amended.

3. Section 96 of the said Act is amended by adding thereto the following sub-section :

Registrar not  
to file plans  
for any one  
but owner  
nor without  
consent of  
mortgagees.

(8) The registrar shall not receive or file any plan or map of a sub-division of any land, unless the person or the corporation by whom or on whose behalf the same is filed appears on the registry books to be the owner of the land sub-divided by the plan, nor unless the consent in writing of all persons and corporations who appear by the said books to be mortgagees of the land is endorsed on the plan and signed by such person or the chief officer of such corporation and such signatures are duly verified by affidavit.

58 V. c. 22 s. 4,  
amended.

4. Section 4 of the Act passed in the 58th year of Her Majesty's reign, intituled *An Act to amend The Registry Act*, is hereby amended by adding thereto the following sub-section :

Registering  
probate or let-  
ters of admin-  
istration.

(2) Where any probate of will or letters of administration, with the will annexed, is required to be registered under the preceding sub-section, and the will is over seven folios in length, including probate or letters, and the will does not affect lands in the registry division, except in so far as the testator



was a mortgagee or assignee of a mortgage, it shall not be necessary to register the will at full length; but for the purposes of the said sub-section it shall be sufficient to register so much of the probate or letters of administration, with the will annexed, as show the grant of probate or such letters and the appointment of executors or administrators, as the case may be, and by the deposit in the registry office of a copy of so much of the probate or letters as show the grant thereof and the appointment of executors or administrators, with an affidavit verifying such copy, and an affidavit by the executor or administrator, or by one of them if there be more than one, or by his or their solicitor, to the effect that there is nothing in the will limiting the right of the executor or the administrator to receive the mortgage money and discharge the mortgage, and that the will does not affect lands in the registry division in which the probate or letters is to be registered, except in so far as the testator was the holder of a mortgage or mortgages comprising land in such registry division.

5. Section 29 of the said *Registry Act* is amended by adding thereto the following sub-section:—

56 V. c. 21  
s. 23 sub-s.  
amended.

(2) Where heretofore, wills have been recorded in the separate books of a registry division, but have not been recorded in the general registry book thereof when the same ought to have been recorded therein, the Inspector shall have the power, by order in writing, to direct that an alphabetical index of the names of all parties mentioned by name in such wills and designating the book or books and the pages thereof in which such wills are recorded shall be prepared and kept, and the county or city treasurer shall pay such sum as the Inspector may order, in writing, for such index and the preparation thereof.

Recording  
wills.

6. Section 26 of the said *Registry Act* is amended by adding thereto the following as sub-section 3 thereof:—

56 V. c. 21, s.  
6, amended.

Provided that all registrars other than the registrars of the east and west divisions of the City of Toronto and for the county of York shall not, after one o'clock in the afternoon on Saturdays during long vacation, from the first day of July to the 31st day of August, both days inclusive, register any instrument, nor shall any instrument be received for registration by them, nor shall it be obligatory to attend at their offices for the transaction of business after the said hour of one o'clock on Saturdays during the said period of the long vacation.

Office hours  
on Saturdays  
during long  
vacation.

7. Sub-section 3 of section 111, of the said *Registry Act* is amended by inserting at the end of the said sub-section the further words: "and for searching, if specially required, the

56 V. c. 21  
s. 111 subs. 3,  
amended.

general

general registry book for the whole county, referred to in section 29, as to each name in the said book the sum of twenty-five cents."

56 V. c. 21  
s. 111 sub-s. 6,  
amended.

8. Sub-section 6 of the said section 111 is amended by adding thereto the following words: "and for searches as to the names of registered owners and as to mortgagees under sub-section 8 of section 96 of this Act, in connection with the registration of any plan, the sum of \$1."

56 V. c. 21  
s. 111 sub-s. 7,  
amended.

9. Sub-section 7 of the said section 111 is hereby amended by inserting after the word "plans," in the tenth line of the said sub-section, the following words: "or for new plans and surveys or for new abstract indexes."

56 V. c. 21  
s. 131,  
amended.

10. Section 131 of the said *Registry Act* is amended by striking out the words "which shall include all," in the first and second lines thereof, and inserting in lieu thereof the words "exclusive of."

56 V. c. 21  
s. 119,  
amended.

11. Section 119 of the said *Registry Act* is hereby amended by inserting after the word "Registrar," in the first line thereof, the words "other than the Registrars for east and West Toronto."

56 V. c. 21  
s. 119,  
amended.

12. The said section 119 is further amended by adding at the end thereof the following sub-section:

Percentage  
payable out of  
net income of  
Toronto  
Registrars.

(7) The Registrars of East and West Toronto, subject to the provisions of section 134 of *The Land Titles Act*, shall pay to the treasurer of the city of Toronto of their net income in each year respectively over the sum of \$1,500, the following percentages:

(a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof;

(b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof;

(c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof;

(d) On the excess over \$3,000, not exceeding \$6,000, fifty per cent. thereof.

(e) On the excess over \$6,000, ninety per cent. thereof.

The expenses connected with the work of or in conducting the business of the offices of the registrars of East and West Toronto, shall not be increased beyond those paid in the year 1895, without the consent of the inspector in writing first had and obtained.

56 V. c. 21  
s. 121  
repealed.

13. Section 121 of the said Act is hereby repealed and the following substituted therefor:—

Of

Of the net income of each year, every registrar, other than the Registrars of East and West Toronto, shall, subject to the proportions and conditions set forth in sections 119 and 120 of this Act, further pay to the said treasurer, for the uses of the municipality, the following percentages on the net income over \$1,500, namely:—

(a) On the excess over \$1,500, not exceeding \$2,000, ten per cent. thereof;

(b) On the excess over \$2,000, not exceeding \$2,500, twenty per cent. thereof;

(c) On the excess over \$2,500, not exceeding \$3,000, thirty per cent. thereof;

(d) On the excess over \$3,000, fifty per cent. thereof.

**14.** Whereas doubts have arisen as to the intention and effect of sub-section 7 of section 1 of the Act, 57th Victoria, chaptered 9, intituled *An Act to amend the Act respecting the Fees of Certain Public Officers*, it is hereby declared that all percentages payable under the said sub-section 7 were intended to be payable and are hereby declared to have been payable to the treasurers of the municipalities according to the provisions of section 13 of this Act up to the 31st day of December, 1895, and from and after the 1st day of January, 1896, the said sub-section 7 shall be deemed to be superseded by section 13 of this Act.

Meaning of  
57 V. c. 9, s. 1,  
sub-s. 7,  
declared.

**15.** Sections 11, 12 and 13 of this Act shall take effect as from the first day of January, 1896.

Commence-  
ment of sec-  
tions 11 and 12  
of Act.

**16.** Sub-section 2 of section 99 of the said *Registry Act* is amended by adding at the end thereof the words "or otherwise, as the Inspector of Registry Offices shall approve of and direct."

56 V. c. 21, s.  
99, sub-s. 2,  
amended.

**17.**—(1) Section 123 of the said *Registry Act* is hereby repealed and the following is substituted therefor:—

56 V. c. 21,  
s. 123,  
repealed.

**123.**—(1) Every registrar, or deputy registrar acting as registrar, who fills the office of registrar and receives the fees and emoluments thereof for part only of a year shall, or in case of his death his executors or administrators shall, in respect of the fees and emoluments received by him during such part of a year pay a proportion thereof to the municipal treasurer for the uses of the municipality under sections 119, 120 and 121 hereof, such proportion of fees to correspond to the portion of the year he so filled the office and such proportion to be computed for such part of the year at the same rate as such registrar or deputy registrar would have had to pay had he filled the office for the whole year and had he during that

Adjustment  
of percentage  
to municipal-  
ity where  
registrar fills  
the office for  
part of year  
only.

that year received the same average amount of fees and emoluments and made the same average disbursements incident to the business of his office for the whole of such year as he received and made for the part of the year during which he filled the office.

(2) Every registrar or deputy registrar in this section referred to shall, within fifteen days after the expiry of the part of the year for which he so filled the office, and the executors or administrators of every deceased registrar who so filled the office for a part of a year only and died in office, shall, within 30 days after the death of such registrar or deputy registrar, make, up to and including the days of such expiry, a return under oath to the Lieutenant-Governor, and such return, in addition to any other information which may be required in connection therewith, shall show for the said part of the year all the particulars required by sub-section 2 of section 117 of this Act, and shall also, within the said period of fifteen days and of thirty days, as the case may be, transmit to the treasurer of the county or city for which, or for part of which, he so filled the office of registrar, or deputy registrar a duplicate of such return, and shall also pay to such treasurer for the uses of the municipality such proportion of the fees and emoluments received by him or by the deceased registrar or deputy registrar, as the case may be, during the part of the year herein referred to as he is hereunder liable to pay to such municipality, and sub-section 2 of section 120 of this Act shall apply to the proportion of fees in this section mentioned.



## CHAPTER 30.

## An Act to amend the Act respecting Mills and Mill-Dams.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 3 of the *Act respecting Mills and Mill-Dams* is amended by adding thereto the following words "provided, however, that the Lieutenant-Governor in Council may by Order in Council reduce the width of the apron and the specifications of the inclined plane by this section and other sections of this Act required." Rev. Stat. c. 118, s. 3, amended.

2. This Act shall be read with and as part of the said Act. Act incorporated with Rev. Stat. c. 118.

## CHAPTER 31.

An Act as to certain Proceedings under the Act respecting Assignments and Preferences by Insolvent Persons.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Rev. Stat. c. 124, s. 12, sub-s. 3, repealed.

1. Sub-section 3 of section 12 of the *Act respecting Assignments and Preferences by Insolvent Persons* is repealed and the following substituted therefor:

Where assignment to be filed in certain districts.

(3) In the Districts of Muskoka, Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay and Rainy River, and in any other district which may be hereafter formed, and in the Provisional County of Haliburton the counterpart or copy of the assignment shall be filed in the same office and within the same time respectively as by the law at the time of the assignment in force mortgages and bills of sale of personal property are required to be filed in such districts, and provisional county respectively, and the clerk in whose office the same is filed shall perform the like duties and be entitled to be paid the like fees as clerks acting under the preceding sub-section.

Rev. Stat. c. 124, s. 9, amended.

2. Section 9 of the *Act respecting Assignments and Preferences by Insolvent Persons* is amended by inserting in the second line thereof, after the words "precedence of" the words "all attachments."

Rev. Stat. c. 124, s. 19, amended.

3. The following is added to section 19 of the *Act respecting Assignments and Preferences by Insolvent Persons*, and shall be read as a sub-section of the said section 19:

When creditor holding security fails to value same.

(b) In case a person claiming to be entitled to rank on the estate assigned holds security for his claim or any part thereof, of such a nature that he is required by this Act to value the

the same, and he fails to value such security, the judge of the county court of the county wherein the debtor at the time of making the assignment resided or carried on business, may, upon summary application by the assignee or by any other person interested in the debtor's estate, of which application three days' notice shall be given to such claimant, order that, unless a specified value shall be placed on such security and notified in writing to the assignee within a time to be limited by the order, such claimant shall, in respect of the claim, or the part thereof for which the security is held in case the security is held for part only of the claim, be wholly barred of any right to share in the proceeds of such estate; and if a specified value is not placed on such security, and notified in writing to the assignee according to the exigency of the said order, or within such further time as the said judge may by subsequent order allow, the said claim, or the said part, as the case may be, shall be wholly barred as against such estate but without prejudice to the liability of the debtor therefor.

4. The following sub-sections are added to section 20 of the said Act and shall be read as sub-sections of the said section 20: Rev. Stat.  
c. 124, s. 20,  
amended.

(b) In case the assignee is satisfied with the proof adduced in support of any claim, but the debtor disputes the same, such debtor shall do so by notice in writing to the assignee, stating the grounds upon which he disputes the claim; and such notice shall be given within ten days of such debtor's being notified in writing by the assignee that he is satisfied with the proof adduced as aforesaid, and not afterwards unless by special leave of the said judge. Procedure  
where  
assignee is  
satisfied with  
proof of claim  
and debtor  
desires to  
dispute same.

(c) If upon receiving such notice of dispute the assignee does not deem it proper to require the claimant to bring an action to establish his claim, he shall notify the debtor in writing of this fact, and the debtor may thereupon, and within ten days' of his receiving such notice, apply to the said judge for an order requiring the assignee to serve a notice of contestation.

(d) The judge shall only make such order if after notice to the assignee the judge is of opinion that there are good grounds for contesting the claim.

(e) In case the debtor does not make such application, the decision of the assignee shall as against him be final and conclusive.

(f) If upon such application the claimant consents in writing, the judge may, in a summary manner, decide the question of the validity of the claim.

(g) If an action is brought by the claimant against the assignee the debtor may intervene at the trial, either personally or by counsel, for the purpose of calling and examining or cross-examining witnesses.

Dividends  
when to be  
paid.

5. As large a dividend as can with safety be paid, shall be paid by every assignee under the said Act within twelve months from the date of any assignment made under the said Act, and earlier if required by the inspectors; and thereafter a further dividend shall be paid every six months, and more frequently if required by the inspector, until the estate is wound up and disposed of.

Distributing  
moneys and  
determining  
claims as pro-  
vided by Rev.  
Stat. c. 65,  
s. 32.

Rev. Stat  
c. 124.

6.—(1) The assignee may, if he deems it advisable so to do, take the proceedings authorized by section 32 of *The Creditors' Relief Act* to be taken by a sheriff, and in that case sections 32 and 33 of the said Act shall apply to proceedings for the distribution of moneys and determination of claims arising under an assignment made under the said *Act respecting Assignments and Preferences by Insolvent Persons*, with the substitution of "assignee" for "sheriff" where it occurs in said section 32; and the substitution of "according to law" for "as directed by this Act," where these words occur in said section 32; but this section shall not be construed to relieve the assignee from mailing to each creditor the abstract and other information required by section 22 of the *Act respecting Assignments and Preferences by Insolvent Persons* to be sent to creditors, so far as the same is not contained in the list sent by him under section 32 aforesaid.

Rev. Stat.  
c. 124.

(2) The judge of the county court of the county wherein the debtor at the time of the assignment resided or carried on business shall be the judge to whom applications under this section shall be made.

Remuneration  
of inspectors.

7. No assignee shall make any payment or allowance to an inspector beyond his actual and necessary travelling expenses in and about his duties as inspector, except under the authority of a resolution of the creditors passed at a meeting regularly called, fixing the amount thereof, and in the notice calling the meeting the fixing of the remuneration of the inspectors shall be specially mentioned as one of the subjects to be brought before the meeting. No inspector shall be allowed more than four dollars a day besides actual travelling expenses, but may be allowed less.

Rev. Stat. c.  
124, s. 11,  
sub-s. 2, re-  
pealed.

8. Sub-section 2 of section 11 of the said Act is hereby repealed, and the following substituted therefor:—

(2) In case the remuneration of the assignee has not been fixed under the preceding sub-section before the final dividend, the assignee may insert in the final dividend sheet, and retain as his remuneration, a sum not exceeding five per cent. of the cash receipts, subject to review by the court or judge as hereinbefore provided; but no application by the assignee to review the said allowance shall be entertained, unless the



question of his remuneration, previous to the preparation of the final dividend sheet has been brought before a meeting of creditors competent to decide the same.

9. Section 6 of *The Act to make further provisions respecting Assignments for the Benefit of Creditors*, passed in the 58th year of Her Majesty's reign, is amended by inserting after "assignor" in the seventh line thereof the following:—  
 "Or any person who is or has been an agent, clerk, servant, officer or employee of any kind of the assignor," and by substituting "the estate and effects of the assignor," for "his estate and effects" where these words occur in the thirteenth and fourteenth lines of the said section.

58 V. c. 23, s. 6, amended.

Examination of clerks, etc. of assignor.

10.—(1) In case any person has or is believed or suspected to have in his possession or power any book, document, or paper of any kind relating in whole or in part to the debtor, his dealings or property, such person may, upon resolution passed by a majority vote of the creditors present or represented at a regularly called meeting of the creditors of the assignor exclusive of such person (if he is a creditor) or upon the written request or resolution of the majority of the inspectors of the estate, be required by the assignee to produce such statement or statements for the information of such assignee.

Calling upon persons having information as to assignor's affairs to give evidence and produce documents, etc.

(2) In case such person fails to produce the said book, document or other paper within four days of his being served with a copy of the said resolution and a request of the assignee in that behalf, or in case the assignee or the majority of the inspectors is or are not satisfied that full production has been made, the assignee may without an order examine the said person before any of the officers mentioned in section 6 of the said last mentioned Act touching any book, document or other paper which he is supposed to have received.

(3) Any such person may be compelled to attend and testify, and to produce upon his examination any book, document or other paper which under this section he is liable to produce in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined as in the case of a witness in an action in the High Court of Justice.

## CHAPTER 32.

## An Act respecting Bills of Sale and Chattel Mortgages in Unorganized Districts.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

57 V., c. 37,  
ss. 25, 26, 27,  
repealed.

1. The following sections are substituted for sections 25, 26 and 27 of *The Bills of Sale and Chattel Mortgage Act, 1894*.

Registration  
in Algoma,  
Thunder Bay,  
Nipissing.

25. When the goods and chattels mortgaged or sold are situate within the Districts of Algoma, Thunder Bay or Nipissing, the instruments mentioned in the eleventh section of this Act shall be filed within ten days from the execution thereof in the office of the District Court Clerk in the District in which the goods are situate.

Registration  
in Parry  
Sound, Mus-  
koka and  
Rainy River.

26. When the goods or chattels mortgaged or sold are situate within the Districts of Parry Sound, Muskoka or Rainy River, the instruments mentioned in said section 11 shall be filed within ten days from the execution thereof in the office of the Clerk of the First Division Court of the District in which the goods are situate.

Registration  
in Haliburton.

27. When the goods and chattels mortgaged or sold are situate within the Provisional County of Haliburton, the instruments mentioned in said section 11 shall be filed within seven days from the execution thereof in the office of the Clerk of the First Division Court of the said Provisional County.

57 V., c. 37,  
ss. 25, 26, 27,  
repealed.

2. Sections 25, 26 and 27 of the said Act are repealed.

## CHAPTER 33.

An Act respecting the Cost of Seizure of Goods  
under Chattel Mortgages.*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Upon making the seizure and sale of goods for default in payment of the principal money or interest secured by any chattel mortgage or bill of sale, no greater or other fees or costs shall be chargeable with respect to such seizure and sale than those hereinafter mentioned, namely :—

- |  |        |
|--|--------|
| 1. For making seizure where amount of debt does not exceed \$100 .....   | \$1 00 |
| 2. For making seizure where amount of debt exceeds \$100.....  | 1 50   |
| 3. One man keeping possession, per diem....  | 1 00   |
| 4. If any printed advertisement, the same not to exceed in all.....  | 1 50   |
| 5. For catalogues, sale and commission and delivery of goods, five cents in the dollar on the net proceeds of the sale, but where the proceeds of the sale exceed \$100 then two and one-half per cent. on the excess over \$100 ..... |        |
| 6. Where debt is paid before sale, the amount actually disbursed in cartage not to exceed .....  | 2 00   |
| 7. And commission of two cents in the dollar.  |        |

(2) No person shall make any charge for anything hereinbefore mentioned unless such thing has been actually done.

Act incorporated with  
Rev. Stat. c. 63.

2. This Act shall be read with and shall form part of *The Act respecting the Cost of Distress* and the provisions of the said Act relating to distress for rent or for a penalty shall, save where inconsistent with this Act, apply to the seizure and sale of goods under a chattel mortgage or bill of sale.

---



## CHAPTER 34.

## An Act respecting Antecedent Unregistered Agreements for Bills of Sale and Chattel Mortgages.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every covenant, promise or agreement entered into after the passing of this Act to make, execute or give a mortgage or conveyance intended to operate as a mortgage of goods and chattels in whatever words the same may be expressed shall be deemed to be a mortgage or conveyance within the meaning of *The Bills of Sale and Chattel Mortgage Act, 1894*, and unless accompanied by an immediate delivery and an actual and continued change of possession of the goods and chattels mortgaged, the same or a true copy thereof together with affidavits of execution and *bona fides* shall be registered within the time and in the manner prescribed by the said Act, in respect of bills of sale and mortgages and otherwise such covenant, promise or agreement shall be absolutely null and void as against creditors of the mortgagor and against subsequent purchasers or mortgagees in good faith for valuable consideration.

Contract to give a mortgage or bill of sale to be deemed a mortgage or bill of sale.

57 V. c. 37.

2. Every covenant, promise or agreement to make a sale of goods and chattels, in whatever words the same may be expressed, shall be deemed to be a sale of goods and chattels within the meaning of the said Act, and unless accompanied by an immediate delivery, and followed by an actual and continued change of possession of the said goods and chattels shall be in writing as required by the said Act, and the same accompanied by affidavits of execution and *bona fides* shall be registered within the time and in the manner prescribed as respects bills of sale by the said Act, and otherwise the said covenant, promise or agreement shall be absolutely void as against the creditors of the bargainor and as against subsequent purchasers or mortgagees in good faith.

When contracts to give chattel mortgages or bills of sale to be valid as against creditors, etc.

Contracts  
made before  
the passing of  
the Act.

3. In case of covenants, promises or agreements made before the passing of this Act, the provisions of this Act with regard to registration may be deemed to be complied with if affected within three calendar months after the passing of this Act, and subject thereto this Act shall extend and apply to every such covenant, promise and agreement made before as well as after the passing of this Act.

Verbal  
agreements.

4. Every verbal agreement to the effect mentioned in the preceding sections and not reduced to writing shall be absolutely null and void to all intents and purposes whatever, as against creditors or subsequent purchasers or mortgagees mentioned in the preceding sections, numbered 1 and 2.

## CHAPTER 35.

## An Act respecting Liens of Mechanics, Wage-Earners and Others.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mechanics' and Wage-Earners' Lien Act, 1896.* Short title.

2. Where the following words occur in this Act, or in the Interpretation schedules hereto, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears:—

(1) "Contractor" shall mean a person contracting with or employed directly by the owner or his agent for the doing of work or placing or furnishing materials for any of the purposes mentioned in this Act. "Contractor."

(2) "Sub-contractor" shall mean a person not contracting with or employed directly by the owner or his agent for the purposes aforesaid, but contracting with or employed by a contractor, or under him by another sub-contractor. "Sub-contractor."

(3) "Owner" shall extend to and include any person, firm, association, body corporate or politic, including a municipal corporation and railway company having any estate or interest in the lands upon or in respect of which the work or service is done, or materials are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work or service is performed or materials are placed or furnished, and all persons claiming under him or them whose rights are acquired after the work or service in respect of which the lien is claimed is commenced or the materials furnished have been commenced to be furnished. R. S. O. 1887, c. 126, s. 2. "Owner."

"Person." (4) "Person" shall extend to and include a body corporate or politic, a firm, partnership or association.

"Material." (5) "Material" shall include every kind of moveable property.

"Registry Office." (6) "Registry office" shall include land titles office.

Work done or materials furnished on lands of married woman. **3.** Where work or service is done or materials are furnished upon or in respect of the lands of any married woman with the privity and consent of her husband he shall be conclusively presumed to be acting as well for himself and so as to bind his own interest, and also as the agent of such married woman for the purposes of this Act, unless the person doing such work or service or furnishing such materials shall have had actual notice to the contrary before doing such work or furnishing such materials.

Contracts not to deprive third party of lien. **4.** No agreement shall be held to deprive anyone otherwise entitled to a lien under this Act, and not a party to the agreement, of the benefit of the lien, but the lien shall attach, notwithstanding such agreement. R. S. O., 1887, c. 126, s. 3.

Nature of lien. **5.** Unless he signs an express agreement to the contrary, any person who performs any work or service upon or in respect of, or places or furnishes any materials to be used in making, constructing, erecting, fitting, altering, improving or repairing any erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, or fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or the appurtenances to any of them, for any owner, contractor or sub-contractor, shall by virtue thereof have a lien for the price of such work, service or materials upon the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees, or appurtenances thereto, and the lands occupied thereby or enjoyed therewith, or upon which the said work or service is performed, or upon which such materials are placed, or furnished to be used, and limited in amount to the sum justly due to the person entitled to the lien and to the sum justly owing (excepting as herein provided) by the owner.

Property upon which lien shall attach. **6.** The lien shall attach upon the estate or interest of the owner as defined by this Act in the erection, building, railway, land, wharf, pier, bulkhead, bridge, trestlework, vault, mine, well, excavation, fence, sidewalk, paving, fountain, fishpond, drain, sewer, aqueduct, roadbed, way, fruit and ornamental trees and the appurtenances thereto, upon or in respect



of which the work or service is performed, or the materials placed or furnished to be used, and the lands occupied thereby or enjoyed therewith.

(2) In cases where the estate or interest charged by the lien is leasehold the fee simple may also, with the consent of the owner thereof, be subject to said lien, provided such consent is testified by the signature of such owner upon the claim of lien at the time of the registering thereof, and duly verified.

Where estate charged is leasehold.

(3) In case the land upon or in respect of which any work or service is performed, or upon or in respect of which materials are placed or furnished to be used, is encumbered by a prior mortgage or other charge, and the selling value of the land is increased by the work or service, or by the furnishing or placing of the materials, the lien under this Act shall be entitled to rank upon such increased value in priority to the mortgage or other charge. R. S. O. 1887, c. 126, s. 5.

Mortgaged land.

(4) The provisions of this or any other section of this Act affecting railways under the control of the Dominion of Canada are only intended to apply so far as the Legislative Assembly of this Province has authority or jurisdiction in regard thereto.

7. Where any of the property upon which a lien is given by this Act is wholly or partly destroyed by fire, any money received by reason of any insurance thereon by an owner or prior mortgagee or chargee shall take the place of the property so destroyed, and shall be subject to the claims of all persons for liens to the same extent as if such moneys were realized by a sale of such property in an action to enforce a lien.

Application of insurance when lien attaches.

8. Save as herein provided the lien shall not attach so as to make the owner liable for a greater sum than the sum payable by the owner to the contractor. R. S. O., 1887, c. 126, s. 10.

Limit of amount of lien.

9. Save as herein provided where the lien is claimed by any other person than the contractor, the amount which may be claimed in respect thereof shall be limited to the amount owing to the contractor or sub-contractor or other person for whom the work or service has been done or the materials have been placed or furnished. R. S. O., 1887, 126, s. 8.

Limit of lien when claimed by some other than contractor.

10.—(1) In all cases an owner shall as any contract progresses deduct from any payments to be made, and retain for a period of thirty days after the completion or abandonment of the contract twenty per cent. of the value of the work, service and materials actually done, placed or furnished as defined by section 5 of this Act, and such values shall be calculated on the

Percentage to be deducted and retained by owner for thirty days.

basis of the price to be paid for the whole contract; provided that where a contract exceeds \$15,000 the amount to be retained shall be fifteen per cent. instead of twenty per cent., and the liens created by this Act shall be a charge upon the amounts directed to be retained by this section.

Payments made direct by owner to persons entitled to lien.

(2) All payments up to eighty per cent. (or eighty-five per cent. where the contract price exceeds \$15,000) of such value made in good faith by an owner to a contractor, or by a contractor to a sub-contractor, or by one sub-contractor to another sub-contractor before notice in writing of such lien given by the person claiming the lien to the owner, contractor or the sub-contractor, as the case may be, shall operate as a discharge *pro tanto* of the lien created by this Act.

Payments made in good faith without notice of lien.

11. In case an owner or contractor chooses to make payments to any persons referred to in the fifth section of this Act for or on account of any debts justly due to them for work or service done or for materials placed or furnished to be used as therein mentioned, and shall within three days afterwards give, by letter or otherwise, written notice of such payment to the contractor or his agent, or to the sub-contractor or his agent, as the case may be, such payments shall, as between the owner and the contractor or as between the contractor and the sub-contractor, as the case may be, be deemed to be payments to the contractor or sub-contractor, as the case may be, on his contract generally, but not so as to affect the percentage to be retained by the owner, as provided by section 10 of this Act.

Priority of lien.

12.—(1) The lien created by this Act shall have priority over all judgments, executions, assignments, attachments, garnishments and receiving orders recovered, issued or made after such lien arises, and over all payments or advances made on account of any conveyance or mortgage after notice in writing of such lien to the person making such payments or after registration of such lien as hereinafter provided.

Agreements for purchase part of purchase money unpaid.

(2) In case of an agreement for the purchase of land, and the purchase money or part thereof is unpaid, and no conveyance made to the purchaser, the purchaser shall, for the purposes of this Act and within the meaning thereof, be deemed a mortgagor and the seller a mortgagee.

Priority among lien-holders.

(3) Excepting where it is otherwise declared by this Act, no person entitled to a lien on any property or to a charge on any moneys under this Act shall be entitled to any priority or preference over another person of the same class entitled to a lien or charge on such property or moneys under this Act, and each class of lien holders, except where it is otherwise declared by this Act, shall rank *pari passu* for their several

amounts,

amounts, and the proceeds of any sale shall, subject as aforesaid, be distributed among them *pro rata* according to their several classes and rights.

**13.**—(1) Every mechanic or laborer whose lien is for work done for wages shall, to the extent of thirty days' wages, have priority over all other liens derived through the same contractor or sub-contractor to the extent of and on the twenty per cent. or fifteen per cent., as the case may be, of the contract price directed to be retained by section 10 of this Act, to which the contractor or sub-contractor through whom such lien is derived is entitled, and all such mechanics and laborers shall rank *pari passu* on said twenty per cent. Priority of lien for wages.

(2) Every wage earner shall be entitled to enforce a lien in respect of the contract not completely fulfilled. Enforcing lien in such cases,

(3) In case of the contract not having been completely fulfilled when the lien is claimed by wage earners, the percentage aforesaid shall be calculated on the work done or materials furnished by the contractor or sub-contractor by whom such wage-earners are employed. 56 Vict. c. 24, s. 5, sub-s. 1. Calculating percentage when contract not fulfilled.

(4) Where the contractor or sub-contractor makes default in completing his contract the percentage aforesaid shall not, as against a wage earner claiming a lien under this Act, be applied to the completion of the contract or for any other purpose by the owner or contractor, nor to the payment of damages for the noncompletion of the contract by the contractor or sub-contractor, nor in payment or satisfaction of any claim of any kind against the contractor or sub-contractor. Percentage not to be otherwise applied.

(5) Every device by any owner, contractor or sub-contractor adopted to defeat the priority given to wage earners for their wages by this Act shall, as respects such wage earners, be null and void. 56 Vict. c. 24, s. 1. Devices to defeat priority of wage earners.

(6) "Wages" shall mean money earned by a mechanic or laborer for work done, whether by the day or as piece work.

**14.** Nothing in this Act contained shall apply to make legal any payment made for the purpose of defeating or impairing a claim for a lien arising or existing under this Act and all such payments shall be taken to be null and void. Payments made for purpose of defeating claim for lien.

**15.**—(1) During the continuance of a lien no portion of the materials affected thereby shall be removed to the prejudice of the lien and any attempt at such removal may be restrained on application to the High Court, or to a judge or officer having power to try an action to realize a lien under this Act. R. S. O., 1887, c. 126, s. 15. Attempting to remove material affected by lien. †



Costs.

(2) The court, judge or officer to whom any such application is made, may make such order as to the costs of and incidental to the application and order as he deems just.

Goods furnished for certain purposes not to be subject to execution.

(3) When any material is actually brought upon any land to be used in connection with such land for any of the purposes enumerated in section 5 of this Act, the same shall not be subject to execution or other process to enforce any debt (other than for the purchase thereof) due by the person furnishing the same. R. S. O., 1887, c. 126, s. 31.

Registration of claim for lien.

**16.** A claim for lien applicable to the case may be registered in the registry office of the registry division or in the land titles office in which the land is situated and shall state :

(a) The name and residence of the person claiming the lien and of the owner of the property to be charged (or of the person whom the person claiming the lien, or his agent, believes to be the owner of the property to be charged) and of the person for whom and upon whose credit the work (or service) is done, or materials furnished or placed, and the time or period within which the same was, or was to be, done or furnished or placed.

(b) A short description of the work (or service) done or materials furnished or placed or to be furnished or placed.

(c) The sum claimed as due or to become due.

(d) The description of the land to be charged sufficient for the purpose of registration.

(e) The date of expiry of the period of credit (if any) agreed by the lienholder for payment for his work (or service) or materials where credit has been given.

Form of claim.

(2) The claim may be in one of the forms given in the schedule to this Act and shall be verified by the affidavit of the person claiming the lien or of his agent or assignee having a personal knowledge of the matters required to be verified and the affidavit of the agent or assignee shall state that he has such knowledge. R. S. O., 1887 c. 126, s. 16.

Description of lands where lien registered against railway.

Rev. Stat. c. 170.

What may be included in claim.

(3) Where a lien is registered against the lands of a railway company it shall be sufficient description of the said lands to refer to the same as the lands of such railway company in the county where the claim arose as described and shown on the plan of the said railway registered under *The Railway Act*.

**17.** A claim for lien may include claims against any number of properties, and any number of persons claiming liens upon the same property may unite therein, but where more than one lien is included in one claim each lien shall be verified by affidavit as provided in section 16 of this Act.



18—(1) A substantial compliance with sections 16 and 17 of this Act shall only be required, and no lien shall be invalidated by reason of failure to comply with any of the requisites of sections 16 and 17 of this Act unless in the opinion of the court or judge or officer who has power to try an action under this Act, the owner, contractor or sub-contractor, mortgagee or other person, as the case may be, is prejudiced thereby, and then only to the extent to which he is thereby prejudiced.

Claims not to be invalidated for informality.

(2) Nothing in this section contained shall be construed as dispensing with registration of the lien required by this Act.

19.—The registrar, upon payment of his fee, shall register the claim, so that the same may appear as an incumbrance against the land therein described.

Lien to be registered as an encumbrance.

(2) The fee for registration shall be twenty-five cents. If several persons join in one claim, the registrar shall have a further fee of (ten) cents for every person after the first.

Fee for registration.

(3) The registrar shall not be bound to copy in any registry book any claim or affidavit, but he shall number each claim, and shall insert in the alphabetical and abstract indexes the like particulars as in other cases; he may describe the nature of the instrument as "Mechanics' Lien." R. S. O., 1887, c. 126, s. 18.

Manner of registration.

20.—Where a claim is so registered, the person entitled to the lien shall be deemed a purchaser pro tanto, and within the provisions of *The Registry Act, 1893*, but except as herein otherwise provided, *The Registry Act, 1893*, shall not apply to any lien arising under this Act. R. S. O. 1887, c. 126, s. 19.

Application of 56 V. c. 21

21.—(1) A claim for lien by a contractor or sub-contractor may be registered before or during the performance of the contract or within thirty days after the completion thereof.

Claims for liens when to be registered.

(2) A claim for lien for materials may be registered before or during the furnishing or placing thereof or within thirty days after the furnishing or placing of the last material so furnished or placed.

(3) A claim for lien for services may be registered at any time during the performance of the service or within thirty days after the completion of the service.

(4) A claim for lien for work may be registered at any time during the work or within thirty days after the last day's work for which the lien is claimed. R. S. O., 1887, c. 126, ss. 20, 21.

Liens to cease if not limited within time fixed by Act.

56 V. c. 21.

**22.** Every lien which is not duly registered under the provisions of this Act shall absolutely cease to exist on the expiration of the time hereinbefore limited for the registration thereof unless in the mean time an action is commenced to realize the claim, or in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the registry office of the registry division wherein the lands in respect of which the lien is claimed are situate. R. S. O. 1887, c. 126, s. 22.

When lien to cease if registered and not proceeded upon.

56 V. c. 21.

**23.**—(1) Every lien which has been duly registered under the provisions of this Act shall absolutely cease to exist after the expiration of ninety days after the work or service has been completed or materials have been furnished or placed, or the expiry of the period of credit, where such period is mentioned in the claim of lien registered, unless in the meantime an action is commenced to realize the claim under the provisions of this Act or an action is commenced in which the claim may be realized under the provisions of this Act, and a certificate thereof issued in the manner required by section 52 of *The Registry Act, 1893*, is duly registered in the registry office of the registry division or in the land titles office wherein the lands in respect of which the lien is claimed are situate. R.S.O. 1887, c. 126, s. 23.

Lien to expire at end of six months unless renewed.

(2) The registration of a lien shall cease to have any effect at the expiration of six months from the registration thereof, unless the lien shall be again registered within the said period, except, in the meantime, proceedings have been instituted to realize the claim and a certificate thereof has been duly registered in the proper registry or land titles office. 56 Vic., c. 24, s. 19. *Part.*

When lien to cease if there is no period of credit.

**24.** If there is no period of credit, or if the date of the expiry of the period of credit is not stated in the claim so registered, the lien shall cease to exist upon the expiration of ninety days after the work or service has been completed or materials furnished or placed unless in the mean time an action shall have been commenced and a certificate registered as required by section 23 of this Act. R. S. O., 1887, c. 126, s. 24.

Death of lienholder.

**25.** In the event of the death of a lien-holder his right of lien shall pass to his personal representatives; and the right of a lien-holder may be assigned by any instrument in writing. R. S. O., 1887, c. 126, s. 25.

Discharge of lien.

**26.**—(1) A lien may be discharged by a receipt signed by the claimant, or his agent duly authorized in writing, acknowledging payment, and verified by affidavit and registered; such receipt shall be numbered and entered by the Registrar like other instruments but need not be copied in any book, but  
the

the registrar shall enter against the entry of the lien to which the discharge relates the word "discharged," and state the registration number of such discharge; the fees shall be the same as for registering a claim of lien. R. S. O., 1887, c. 126, s. 26.

(2) Upon application the court or judge or other officer having power to try an action to realize a lien, may receive security or payment into court in lieu of the amount of the claim and may thereupon vacate the registration of the lien. Security or payment into court and vacating lien thereon. R. S. O., 1887, c. 126, s. 30, sub-s. 7.

(3) The court or such judge or other officer may vacate the said registration upon any other ground. Vacating registration on other grounds. R.S.O., 1887, c. 126, s. 30, sub-s. 8.

(4) Where the certificate required by section 22 or section 23 of this Act has not been registered within the time limited, and an application is made to vacate the registration of a lien after the time for registration of the certificate required by section 22 or 23 of this Act, the applicant shall not be required to give notice of the application to the person claiming the lien, and the order vacating the lien may be made *ex parte* upon production of the certificate of the proper registrar certifying the facts entitling the applicant to such order. When notice, of application to vacate not requisite.

(5) The taking of any security for, or the acceptance of any promissory note for, or the taking of any other acknowledgment of the claim, or the giving of time for the payment of the claim, or the taking of any proceedings for the recovery of the claim or the recovery of any personal judgment for the claim, shall not merge, waive, pay, satisfy, prejudice or destroy any lien created by this Act, unless the lien-holder agrees in writing that it shall have that effect; provided, however, that a person who has extended the time for payment of any claim for which he has a lien under this Act to obtain the benefit of this sub-section shall commence an action to enforce such lien within the time limited by this Act, and register a certificate as required by sections 22 or 23 of this Act, but no further proceedings shall be taken in the action until the expiration of such extension of time; provided further, that notwithstanding such extension of time, such person may, where an action is commenced by any other person to enforce a lien against the same property, prove and obtain payment of his claim in such action, as if no such extension had been given. Certain acts not to prejudice right to enforce lien.

**27.** Any lien-holder may at any time demand of the owner, or his agent, the terms of the contract or agreement with the contractor for and in respect of which the work, services or materials is or are performed or furnished or placed, and if such owner or his said agent shall at the time of such demand neglect or refuse to inform the person making such demand, of the terms of such contract or agreement, and the amount due and unpaid upon such contract or agreement, or shall Lien-holders to be entitled to information from owner as to terms of contract.



shall intentionally or knowingly falsely state the terms of said contract or agreement, or the amount due or unpaid thereon, and if the person claiming the lien shall sustain loss by reason of such refusal or neglect or false statement, said owner shall be liable to him in an action therefor to the amount of such loss.

Order for inspection of contract by lienholder.

**28.** The court or judge, or other officer having power to try an action to realize a lien, may on a summary application at any time before or after any action is commenced for the enforcement of such lien, make an order for the owner or his agent to produce and allow any lien-holder to inspect any such contract, and may make such an order as to the costs of such application and order as may be just.

Mode of realizing liens:

**29.**—(1) The liens created by this Act may be realized by actions in the High Court according to the ordinary procedure of that court, excepting where the same is varied by this Act.

(2) Without issuing a writ of summons, an action under this Act shall be commenced by filing in the proper office a statement of claim, verified by affidavit.

(3) The statement of claim shall be served within one month after it is filed, but a judge or other officer having power to try the action may extend the time for service thereof, and the time for delivering a statement of defence shall be the same as for entering an appearance in an action in the High Court.

(4) It shall not be necessary to make any lienholders parties defendant to the action, but all lienholders served with the notice of trial shall for all purposes be treated as if they were parties to the action.

Lien-holders joining in action.

**30.** Any number of lien-holders, claiming liens on the same property, may join in an action, and any action brought by a lien-holder shall be taken to be brought on behalf of all other lien-holders on the property in question.

Who may try action to enforce lien.

**31.** An action to enforce a lien may be tried by the Master in Ordinary, a local master of the High Court, an official referee, or a judge of the county court, in any county or judicial district in which the lands are situate; or by a judge of the High Court of Justice at any sittings of that court for the trial of actions.

Powers of certain officers.

**32.** The Master in Ordinary, the local masters, official referees, and the county judges, shall have, in addition to their ordinary powers, all the jurisdiction, powers and authority, of a Judge of the High Court and of the Master in Ordinary, to try, and otherwise completely dispose of, an action



to realize a lien, and all questions arising in such action, including the giving or refusing of the costs hereinafter provided.

**33.**—(1) After the delivery of the statement of defence where the plaintiff's claim is disputed, or after the time for delivery of defence in all other cases where it is desired to try the action other than at the ordinary sittings of the High Court, either party may apply to a judge or other officer who has the power to try the action, to fix a day for the trial thereof, and the said judge, or other officer, shall give an appointment fixing the day and place of trial, and on the day fixed, or on such other day to which the trial may be adjourned, shall proceed to try the action, and all questions which arise therein, or which are necessary to be tried, to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him or upon whom the notice of trial has been served and at the trial shall take all accounts, make all inquiries, and give all directions, and do all things necessary to try and otherwise finally dispose of the action and of all matters, questions and accounts arising in the action or at the trial, and to adjust the rights and liabilities of and give all necessary relief to all parties to the action or who have been served with the notice of trial, and shall embody all the results in the judgment. Appointing day for trial.

(2) The judge or officer who tries the action may order that the estate or interest charged with the lien may be sold, and when, by the judgment, a sale is directed of the estate or interest charged with the lien, the judge or officer who tries the action may direct the sale to take place at any time after judgment, allowing, however, a reasonable time for advertising such sale. Direction as to time for sale.

(3) The judge or officer who tries the action may also direct the sale of any materials and authorize the removal thereof. Directing sale of materials.

(4) Any lien-holder, who has not proved his claim at the trial of any action to enforce a lien, on application to the judge, or officer who tried the action on such terms as to costs and otherwise as may be just, may be let in to prove his claim at any time before the amount realized in the action for the satisfaction of liens has been distributed, and where such a claim is proved and allowed the judge or officer shall amend the judgment so as to include such claim therein. Letting in lien-holders who have not proved their claims at trial.

(5) When a sale is had the Judge or officer with whose approbation the lands are sold shall make a report on sale and therein direct to whom the moneys in court shall be paid, and may add to the claim of the person conducting the sale his actual disbursements incurred in connection therewith, and where sufficient to satisfy the judgment and costs is not Report where sale is had.

realized

realized from the sale, he shall certify the amount of the deficiency and the names of the persons, with their amounts, who are entitled to recover the same, and the persons by the judgment adjudged to pay the same, and such persons shall be entitled to enforce the same by execution or otherwise as a judgment of the court.

(6) Any lienholder for an amount not exceeding \$100, or any lienholder not a party to the action, may attend in person at the trial of an action to enforce a lien, and on any proceedings in such action, or may be represented thereat thereon by a solicitor or by an agent who is not a solicitor.

Notice of  
trial,  
service of.

**34.** The party obtaining an appointment fixing the day and place of trial shall, at least eight clear days before the day fixed for the trial, serve a notice of trial which may be in the form in the schedule to this Act, upon the solicitors for the defendants who appear by solicitors, and on all lienholders known to him, who have registered their liens as required by this Act, and on all other persons having any charge or incumbrance, or claim on the said lands, who are not parties, or who, being parties, appear personally in the said action, and such service shall be personal unless otherwise directed by the judge or officer who is to try the case, who may, in lieu of personal service, direct in what manner the notice of trial may be served.

Consolidation  
of actions.

**35.** Where more than one action is brought to realize liens in respect of the same property, a judge or other officer having power to try such actions, may, on the application of any party to any one of such actions, or on the application of any other person interested, consolidate all such actions into one action, and may give the conduct of the consolidated action to any plaintiff to whom in his discretion he sees fit.

Transferring  
carriage of  
proceedings.

**36.** Any lienholder entitled to the benefit of the action may apply for the carriage of the proceedings, and the judge, or any other officer having power to try the action, may thereupon make an order giving such lienholder the carriage of the proceedings, and such lienholder shall for all purposes thereafter be the plaintiff in the action.

Limit of fees  
in money or  
stamps.

**37.** No fees in stamps or money shall be payable to any judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment, or other proceeding in such action, excepting that every person other than a wageearner shall, on filing his statement of claim where he is a plaintiff, or in proving his claim where he is not a party plaintiff, pay in stamps one dollar on every one

hundred

hundred dollars, or fraction of one hundred dollars, of the amount of his claim up to one thousand dollars.

**38.** In all actions where the amount recovered by the judgment is \$100 or less, the said judgment shall be final, binding, and without appeal, except that upon application within fourteen days after judgment is pronounced, to the judge or officer who tried the same, he may grant a new trial. When judgment of court of first instance to be final.

**39.** In all actions where the amount recovered by the judgment is more than \$100 but not more than \$200, any party affected thereby may appeal therefrom to a divisional court, whose judgment shall be final and binding, and no appeal shall lie therefrom. When appeal lies to divisional court.

**40.** In all other cases the same right to appeal shall exist as is given in actions tried without a jury in the High Court. Rights of appeal.

**41.** The costs of the action awarded in any action under this Act, by the judge or officer trying the action, to the plaintiffs and successful lien-holders shall not exceed in the aggregate an amount equal to twenty-five per cent. of the amount of the judgment besides actual disbursements, and shall be in addition to the amount of the judgment, and shall be apportioned and borne in such proportion as the judge or other officer who tries the action may direct. Limit of costs to plaintiff.

**42.** Where the costs are awarded against the plaintiff or other persons claiming the lien, such costs shall not exceed an amount in the aggregate equal to twenty-five per cent. of the claim of the plaintiff and other claimants, besides actual disbursements, and shall be apportioned and borne as the judge or said other officer may direct. Limit of cost to be awarded against plaintiffs.

**43.** In case the least expensive course is not taken by a plaintiff under this Act the costs allowed to the solicitor shall in no case exceed what would have been incurred if the least expensive course had been taken. 56 Vict., c. 24, s. 15. Costs where least expensive course not taken.

**44.** Where a lien is discharged or vacated under section 26 of this Act or when in an action judgment is given in favor of a lien in addition to the costs of action, the judge or said other officer may allow a reasonable amount for costs of drawing and registering the lien or for vacating the registration of the lien. R. S. O., 1887, 126, s. 30, sub-ss. 5, 9. Costs of drawing and registering and vacating registration of lien.

**45.** Excepting in actions tried by a judge of the High Court the judge or other officer who tries the action shall, where money has been paid into court and the time for payment out arrives, forward a requisition for cheques with a

certified



certified copy of his judgment, or when one is made of the report on sale, to the accountant of the Supreme Court of Judicature who shall upon receiving the said requisition and copy of the judgment or report make out and return to the said judge or officer cheques for the amounts payable to the persons specified in the requisition, and the said judge or officer on receipt of said cheques shall distribute them to the persons entitled.

Fees and stamps not to be payable on payments out of court.

**46.** No fees or stamps shall be payable on any cheques or proceedings to pay money into court or obtain money out of court, in respect of a claim of lien, but sufficient postage stamps to prepay a return letter shall be enclosed with every requisition for cheques.

Form of judgment in favor of lien-holders.

**47.** All judgments in favor of lien-holders shall adjudge that the person or persons personally liable for the amount of the judgment, shall pay any deficiency which may remain after sale of the property adjudged to be sold and whenever on a sale of any property to realize a lien under this Act sufficient to satisfy the judgment and costs is not realized therefrom, the deficiency may be recovered by execution against the property of such person or persons.

Personal judgment when claim for lien fails.

**48.** Whenever in an action brought under the provisions of this Act any claimant shall fail for any reason to establish a valid lien he may nevertheless recover therein a personal judgment against the party or parties to the action for such sum or sums as may appear to be due to him from him or them and which he might recover in an action in contract against such party or parties.

Forms.

**49.** The forms in the schedule hereto, or forms similar thereto or to the like effect, may be adopted in all proceedings under this Act.

Liens arising before Act comes into force.

**50.** This Act shall not apply to liens arising before the coming into force of this Act excepting that where no action has been commenced or proceeding instituted to realize a lien arising before the coming into force of this Act the procedure herein directed shall be adopted to realize the same.

Mechanics entitled to lien on a chattel may sell the chattel if (after three months) payment is not made.

**51.—(1)** Every mechanic or other person who has bestowed money or skill and materials upon any chattel or thing in the alteration and improvement in its properties or for the purpose of imparting an additional value to it so as thereby to be entitled to a lien upon such chattel or thing for the amount or value of the money or skill and materials bestowed, shall, while such lien exists, but not afterwards, in case the amount to which he is entitled remains unpaid for three months after the same ought to have been paid, have the right in addition to all

other



other remedies provided by law, to sell by auction the chattel or thing in respect of which the lien exists, on giving one week's notice by advertisement in a newspaper published in the municipality in which the work was done, or in case there is no newspaper published in such municipality, then in a newspaper published nearest thereto, stating the name of the person indebted, the amount of the debt, a description of the chattel or thing to be sold, the time and place of sale, and the name of the auctioneer, and leaving a like notice in writing at the last known place of residence (if any) of the owner, if he be a resident of such municipality.

(2) Such mechanic or other person shall apply the proceeds of the sale in payment of the amount due to him and the costs of advertising and sale, and shall upon application pay over any surplus to the person entitled thereto, Application of proceeds of sale.

**52.** Excepting in so far as is necessary to preserve the liens and rights, causes of action and defences thereto arising or existing thereunder before the coming into force of this Act, the following Acts and parts of Acts shall not apply after the coming into force of this Act, and are hereby repealed:— Acts repealed.

Chapter 126 of the Revised Statutes of Ontario, 1887, and all amendments thereto.

The Act passed in the 53rd year of Her Majesty's reign, chaptered 37 and all amendments thereto.

The Act passed in the 56th year of Her Majesty's reign, chaptered 24 and all amendments thereto.

## SCHEDULE.

## FORM 1.

*Claim of Lien.*

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the *Mechanics' and Wage-Earners' Lien Act* claims a lien upon the estate of (here state the name and residence of owner of the land upon which the lien is claimed,) in the undermentioned land in respect of the following work [service or materials] that is to say (here give a short description of the nature of the work done or materials furnished and for which the lien is claimed,) which work [or service] was [or is to be] done [or materials were furnished] for (here state the name and residence of the person upon whose credit the work is done or materials furnished), on or before the \_\_\_\_\_ day of \_\_\_\_\_

The amount claimed as due [or to become due] is the sum of \$ \_\_\_\_\_

The following is the description of the land to be charged (here set out a concise description of the land to be charged sufficient for the purpose of registration).

When credit has been given, insert: The said work was done [or materials were furnished] on credit, and the period of credit agreed to expired [or will expire] on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_  
(Signature of claimant.)

## FORM 2.

*Claim of Lien for Wages.*

A. B. (name of claimant) of (here state residence of claimant,) (if so, as assignee of, stating name and residence of assignor) under the *Mechanics' and Wage-Earners' Lien Act* claims a lien upon the estate of (here state the name and residence of the owner of land upon which the lien is claimed) in the undermentioned land in respect of \_\_\_\_\_ days' work performed thereon while in the employment of (here state the name and residence of the person upon whose credit the work was done) on or before the \_\_\_\_\_ day of \_\_\_\_\_

The amount claimed as due is the sum of \$ \_\_\_\_\_

The following is the description of land to be charged, (here set out a concise description of the land to be charged sufficient for the purpose of registration).

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
(Signature of claimant.)

FORM

## FORM 3.

*Claim of Lien for Wages by Several Claimants.*

The following persons under the *Mechanics' and Wage-Earners' Lien Act* claim a lien upon the estate of (*here state the name and residence of the owner of land upon which the lien is claimed*) in the undermentioned land in respect of wages for labor performed thereon while in the employment of (*here state name and residence or names and residences of employers of the several persons claiming the lien*).

A. B. of (*residence*) \$                      for                      days' wages.

C. D.                      "                      \$                      for                      days' wages.

E. F.                      "                      \$                      for                      days' wages.

The following is the description of the land to be charged (*here set out a concise description of the land to be charged sufficient for the purpose of registration*).

Dated at                      this                      day of

(*Signatures of the several claimants.*)

## FORM 4.

*Affidavit Verifying Claim.*

I, A. B., named in the above (*or annexed*) claim, do make oath that the said claim is true.

Or, We, A. B. and C. D., named in the above (*or annexed*) claim, do make oath, and each for himself saith that the said claim, so far as relates to him, is true.

[*Where affidavit made by agent or assignee a clause must be added to the following effect:—I have full knowledge of the facts set forth in the above (or annexed) claim.*]

Sworn before me at                      , in  
the county of                      this                      day  
of                      , A. D. 18                      .

Or, The said A. B. and C. D. were  
severally sworn before me at  
in the county of                      this  
day of                      A. D. 18

Or, the said A. B. was sworn be-  
fore me at                      in the county of  
this                      day of                      A. D. 18

## FORM 5.

*Affidavit verifying claim in commencing an Action.*

(Style of Court and Cause.)

I, \_\_\_\_\_, make oath and say, that I have read, or heard read, the foregoing statement of claim, and I say that the facts therein set forth are, to the best of my knowledge and belief, true, and the amount claimed to be due to me in respect of my lien is the just and true amount due and owing to me after giving credit for all the sums of money or goods or merchandise to which (*naming the debtor*) is entitled to credit as against me.

## FORM 6.

*Defence.*

(Style of Court and Cause.)

A. B., \_\_\_\_\_ disputes that the plaintiff is now entitled to a mechanic's lien on the following grounds: (*Setting forth the grounds shortly.*)

(a) The lien has not been prosecuted in due time as required by statute.

(b) That there is nothing due to the plaintiff.

(c) That the plaintiff's lien has been vacated and discharged.

(d) That there is nothing due by \_\_\_\_\_ (*the owner*) for the satisfaction of the plaintiff's claim.

Delivered on the \_\_\_\_\_ day of \_\_\_\_\_ by A. B. in person, whose address for service is (*stating address within two miles of the court house*), or

Delivered on the \_\_\_\_\_ day of \_\_\_\_\_ by Y. Z., solicitors for the said A.B.

NOTE.—If the owner does not dispute the lien entirely and only wishes to have the accounts taken he may use the following form:

## FORM 7.

Defence where there are no matters disputed or where the matters in dispute are matters of account.

(Style of Court and Cause.)

A. B. \_\_\_\_\_ admits that the plaintiff is entitled to a lien and claims that the following is a just and true statement of the account in question:—

Amount of contract price for work contracted to be performed by E. F. as plumber	
on the lands in question herein .....	\$500 00
	Amounts



## Amounts paid on account.

June 1st, 1889, paid <i>E. F.</i> .....	\$200 00
July 1st, 1889, paid <i>G. H.</i> and <i>I. K.</i> , sub- contractors of <i>E. F.</i> .....	100 00
	<hr/> \$300 00
Balance admitted to be due .....	\$200 00

For satisfaction of lien of plaintiff and other lien holders (*as the case may be*) *A. B.*, before action tendered to the plaintiff \$            in payment of his claim and now brings into court \$            and submits that that amount is sufficient to pay the plaintiff's claim, and asks that this action be dismissed as against him with costs.  
Delivered, etc.

## FORM 8.

*Affidavit of Owner Verifying Account.*

(Style of Court and Cause.)

I, *A. B.*, of            being the owner of the lands in question in this action, make oath and say : That the account set forth in the foregoing defence is a just and true account of the amount of the contract price agreed to be paid by me to *E. F.* for the work contracted to be done by him on the lands in question.

The said account also justly and truly sets forth the payments made by me on account thereof, and the person or persons to whom the same were made ; and the balance of \$200 appearing by such account to be still due and payable is the just and true sum now due and owing by me in respect of my contract with the said *E. F.*

Sworn, etc.

## FORM 9.

*Notice of Trial.*

(Style of Court and Cause.)

Take notice that this action will be tried at the court house, in the town of            in the county of            on the day of            by            and at such time and place the            will proceed to try the action and all questions which arise in or which are necessary to be tried to completely dispose of the action and to adjust the rights and liabilities of the persons appearing before him, or upon whom this notice of trial has been served, and at such trial he will take all accounts, make all inquiries and give all directions  
and

and do all things necessary to try and otherwise finally dispose of this action, and of all matters, questions, and accounts arising in said action and will give all necessary relief to all parties.

And further take notice that if you do not appear at the trial and prove your claim, if any, or prove your defence, if any, to the action the proceedings will be taken in your absence and you may be deprived of all benefit of the proceedings and your rights disposed of in your absence.

This is a mechanics' lien action brought by the above named plaintiff against the above named defendants to enforce a mechanics' lien against the following lands :—(*set out description of lands*).

This notice is served by, etc.

FORM 10

*Statement of Account by Lien-holders, not parties to the action.*

(Style of Court and Cause.)

*E. F.*                      Dr. to *G. H.*,

1889.		
Jan. 1,	To 12 doz. brackets.....	\$12 00
Feb. 3,	" 50 lbs. of nails .....	5 00
Oct. 3,	" 40 sheets of glass .....	40 00
		<hr/>
		\$57 00

Cr.

1889.		
Feb 4,	By cash .....	\$ 4 00
June 5,	" goods .....	20 00
		<hr/>
		\$24 00
		<hr/>
		\$33 00

FORM 11.

*Affidavit of Lien-holder Verifying Claim.*

(Style of Court and Cause.)

I, *G. H.*, of (*address and occupation*), make oath and say :—  
I have in the foregoing account (*or in the account now shown to me marked A*) set forth a just and true account of the amount due and owing to me by *E. H.* (*the owner*), [*or by E. F.*, who is a contractor with the defendant, *L. G.* (*the owner*),] of the lands in question, and I have in the said account given credit for all sums in cash or merchandise or otherwise to which  
the



(3) This court doth declare that the plaintiff, within the time limited by section 21 of *The Mechanics' and Wage Earners' Lien Act, 1896*, duly registered a claim of lien for and in respect of his said contract, and commenced this action within the time limited by section 23 of the said Act, and then had and now has a good and valid mechanics' lien on all the estate and interest of the defendant in and to the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(4) And this court doth declare that John Smith, of Hamilton, lumber dealer, between the 3rd and 26th days of May, 1896, furnished material to the plaintiff to be used in the construction of said dwelling house to the value of \$100, for which he has not been paid, and duly registered a claim for lien in respect thereof within the time limited by section 11 of the said Act, against the said lands, and was and is entitled to recover the said amount from the plaintiff, and has a good and valid mechanics' lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(5) And this court doth declare that John Jones, a wage earner, did work in respect of the plaintiff's said contract for the plaintiff between the 1st and 30th days of June, 18 , to the value of \$25, for which he has not been paid, and duly registered a claim for his said lien within the time limited by section 21 of said Act against the said lands, and was, and is, entitled to recover the said amount from the plaintiff and has a good and valid lien on all the estate and interest of the defendant in the lands hereinbefore described and the erections thereon, and doth order and adjudge accordingly.

(6) The said William Smith, who had on the 10th day of April, 1896, registered a claim for lien against the lands hereinbefore described, though duly served with the notice of trial herein, failed to appear thereat, and it is hereby ordered and adjudged that the said William Smith be and is hereby barred of all claims on or against the said lands.

(7) And this court doth order and adjudge that the plaintiff do recover against the defendant \$75 costs of this action, and \$10 actual disbursements, and that the same be added to the plaintiff's claim.

(8) And this court doth order and adjudge that the said John Smith do recover \$10 for his costs and \$2 for his actual disbursements, and the said John Jones do recover \$5 for his costs against the defendant and that the same be added to their respective claims.

(9) This court doth order and adjudge that unless the full amount of this judgment and costs and disbursements be paid into court to the credit of this cause before the 10th day of August, 1896, that all the estate and interest of the defendant in the lands hereinbefore described be forthwith thereafter sold with the approbation of (*the judge or officer trying the case*).



(10) That the purchase money be paid into court to the credit of this action.

(11) That all proper parties do join in the conveyances to the purchasers as the said (*Judge or officer*) may direct.

(12) That the moneys paid into court by defendant or as proceeds of such sale shall be paid out as the said by his report shall direct.

---

FORM 13.

*Certificate Vacating Lien.*

(Style of Court and Cause.)

Date

I certify that the defendant *A. B. (the owner)* has paid into court to the credit of this cause all money due and payable by him for the satisfaction of the liens of the plaintiff and *E. F., G. H., I. J.* and *K. L.* and their liens are hereby vacated and discharged so far as the same affect the following lands (*describe lands*).

(*Signature of Master or Referee.*)

---

FORM 14.

*Certificate Vacating Lien*

(Style of Court and Cause.)

Date

I certify that I have inquired and find that the plaintiff is not entitled to any mechanics lien upon the lands of the defendant *A. B. (the owner)* and that his claim of lien is hereby vacated and discharged so far as the same affects the following lands (*describe lands*).

(*Signature of Master or Referee.*)

## CHAPTER 36.

## An Act to extend The Woodman's Lien for Wages Act.

*Assented to 7th April, 1896.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

54 V. c. 22, s. 1; 57 V. c. 38, s. 1, amended. **1.** Section 1 of *The Woodman's Lien for Wages Act*, as the same is amended by section 1 of the Act passed in the 57th year of Her Majesty's reign, chaptered 38, is further amended by adding at the end of sub-section 2 of the said section the words, "and the provisional county of Haliburton,"

Act extended to Haliburton.

54 V. c. 22, s. 3, amended. **2.** Section 3 of *The Woodman's Lien for Wages Act*, as the same is amended by section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 38, is further amended by inserting after the words "Parry Sound" in the said section the words, "and the provisional county of Haliburton."

Lien for labor on logs and timber.

54 V. c. 22, s. 4, amended. **3.** Section 4 of *The Woodman's Lien for Wages Act* is amended by adding thereto the following sub-section:—

Filing claim, etc., when right to enforce lien arises in Haliburton.

4) Where the right to take proceedings under this Act to enforce any lien arises in the provisional county of Haliburton, the statement of claim may be filed in the office of the clerk of the county court of the county of Victoria, and the expression "clerk of the court," "clerk of the district court," or "clerk," in this Act, shall be deemed to include the clerk of the county court of the county of Victoria.

54 V., c. 22 amended.

**4.** The following provisions shall be added to the said Act:—

Contractors, with respect to labor or services to be performed on timber got for export.

(1) Any contractor who has entered into any agreement under the terms of which he has cut, removed, taken out and driven, for any licensee of the Crown by himself or by others in his employ, any logs or timber into the waters at or near

Lake

Lake Superior, the Georgian Bay, Lake Huron or the Saint Mary River, for export in the log out of the Province of Ontario, shall be deemed to be a person performing labor, service or services upon logs or timber within the meaning of the said Act, and such cutting, removal, taking out and driving shall be deemed to be the performance of labor, service or services within the meaning of the said Act, and every such contractor shall have and may exercise all the rights and remedies given, or intended to be given, by the said Act to the persons mentioned in section 3 thereof; provided that in the case of any contractor to whom this section applies, the time for filing a statement of claim as mentioned in section 6 of the said Act shall be until the 1st day of September next following the doing of the labor, service or services to which such statement of claim refers.

(2) Any contractor supplying such labor, service or services, or who has entered into any contract, express or implied, to supply the same, who shall unlawfully and maliciously, and without reasonable or probable cause, take, or cause to be taken, proceedings under the said Act by which any logs or timber shall be seized, detained or sold, shall be liable therefor in an action at the suit of the party aggrieved thereby, and every such contractor who takes, or causes proceedings to be taken under the said Act, shall be liable in an action at the suit of any person aggrieved thereby for all loss and damage occasioned by such seizure to such person by reason of such logs or timber breaking away or being scattered or lost, or otherwise.

Liability of contractor for loss occasioned by seizure.

---

## CHAPTER 37.

An Act to secure payment of Wages for Labor performed in the construction of Public Works.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Payment of wages of employees of contractors or sub-contractors out of securities held by Province.

1. In case a contractor for the construction of a public work let under contract with Her Majesty, or a member of the Executive Council of Ontario acting for and on behalf of Her Majesty, or any sub-contractor in the construction of any such public work, makes default in the payment of the wages of any foreman, workman or laborer employed on the work, or in payment of any sum due by the contractor or sub-contractor for labor done by such foreman, workman or laborer, or by any team employed on the work, if the claim for such wages or sum be filed in the office of the member of the Executive Council entering into the contract for and on behalf of Her Majesty not later than two months after the same becomes due, and satisfactory proof thereof is furnished to him, he may cause such claim to be paid to the extent of any moneys or securities at the time of the filing of the said claim in the hands of the Crown for securing the performance of the contract.

List of employees, etc., to be furnished when required.

2. The said member of the Executive Council may, in writing, require every or any contractor or sub-contractor for the construction of any public work, to file in the office of the said member of the Executive Council of Ontario, not later than the fifteenth day of each month, a list showing the names, rate of wages, amounts paid and amounts due and unpaid for wages or labor done by any foreman, workman, laborer or team employed by the contractor or sub-contractor during the previous month, and such list shall be attested upon oath or statutory declaration of the contractor or sub-contractor or his authorized agent



3. Every contractor or sub-contractor aforesaid, who having received such demand, makes default in forwarding such list in accordance with the provisions of the next preceding section, shall incur a penalty not exceeding one hundred dollars and not less than ten dollars for every day during which default continues, and the amount of such penalty, within the above limits, shall be determined by the Minister under whom the work is being executed, and may be deducted out of the moneys in the hands of the Crown deposited by or owing to such contractor and shall be vested in Her Majesty.

Failure to furnish list.

4. When default is made by a sub-contractor in furnishing such list, the penalty for such default, hereinbefore provided, may be recovered, with costs, at the suit of the Crown in any court of competent jurisdiction.

When sub-contractor fails to furnish list.

5. Where any subsidy, advance, loan or bonus of money is authorized by the Legislature to be granted to any company or person towards the construction of any railway or other work it shall, in the absence of special provision by the Legislature to the contrary, be deemed a condition of the grant that so much of the money may be retained as the Lieutenant-Governor-in-Council may think proper to secure the payment of claims for wages of persons employed on such railway or other work whether by such company or by any contractor or sub-contractor, or for sums due or to become due for labor of persons or teams so employed, and in the event of any such claim for such wages or for any such sum remaining unpaid for thirty days after notice thereof has been served upon such member of the Executive Council as may be charged with the duty of seeing that the conditions upon which such aid is granted and the provisions of the Act of the Legislature respecting the same are duly carried out, the Lieutenant-Governor-in-Council may, on being satisfied that such claim is due and unpaid, direct that it be paid together with all proper costs and charges in connection therewith out of any moneys so retained.

Retaining portion of legislative grant and paying wages, etc., thereout.

6. Every company hereafter incorporated under any general or special Act of the Legislature shall, upon such incorporation become and be liable for the payment of the wages of all foremen, workmen, laborers or teams employed in the construction of any work in the Province done by or for the company, whether directly under the company or through the intervention of any contractor or sub-contractor, provided that nothing herein contained shall be construed in any way to prejudice or affect the right of any such workman against any such contractor or sub-contractor under any other Act or law in force in the Province.

Companies hereafter incorporated to be liable for wages due by contractors, etc.

Notice of  
claim to be  
served on  
company.

7. In case default is made by any contractor or sub-contractor in payment of the wages of any such foreman, workman or laborer, a notice stating the name of the claimant and the amount of wages claimed, shall be served upon the company by or on behalf of the claimant not later than two months after such wages are payable, and in default of such notice, the liability imposed by section 5 of this Act shall cease. The said notice and any summons, notice, order or other process required to be served upon the company in the prosecution of such action under section 6 of this Act may be served upon the president, vice-president, secretary, managing director, superintendent or engineer, or any recognized officer representing the company or by leaving the same with any adult person at the office or domicile of any of them.

Application of  
Act to  
contracts  
heretofore  
entered into.

8. This Act shall apply to contracts heretofore entered into, and to subsidies or bonuses heretofore authorized by the Legislature, as well as to contracts hereafter entered into and subsidies and bonuses hereafter authorized, but without prejudice to the claims of other persons who may, before the passing of this Act, have acquired liens on the contract money or on the subsidies or bonuses aforesaid.

---

## CHAPTER 38.

## An Act for the Better Protection of Certain Classes of Workmen.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Master and Servant Act*, Short title. 1896.

2. Complaint against any person under the *Act respecting Master and Servant* may be prosecuted and determined in any county in which the person complained against is found, or in which he carries on business. Where complaints under Rev. Stat., c. 139, to be prosecuted.

3. Every agreement or bargain, verbal or written, express or implied, which has heretofore been made or entered into, or which may hereafter be made or entered into, on the part of any workman, servant, laborer, mechanic, or other person employed in any kind of manual labor intended to be dealt with in *The Act respecting Master and Servant*, *The Mechanics' Lien Act*, *The Woodman's Lien for Wages Act*, or any other Act heretofore passed providing remedies for the recovery of wages or otherwise by such employees, by which it is agreed that the said Acts, or any of them, shall not apply, or that the remedies provided by any of the said Acts shall not be available for the benefit of any person entering into such agreement, is hereby declared to be null and void and of no effect as against any such workman, servant, laborer, mechanic, or other person. Contracts waiving application of Rev. Stat. c. 139; Rev. Stat. c. 126; 54 V. c. 22 to be void.

4. Every summons issued under *The Act respecting Master and Servant* against an individual, firm or corporation not having his or their chief place of business within the Province, and all subsequent papers and proceedings in the action or proceeding in which the summons has been issued may be served (except as hereinafter mentioned) upon the person or

persons

persons to whom it is directed either by delivering it to him or them personally, or if such person or persons cannot conveniently be met with, by leaving the same for him or them at any place where such individual, firm or corporation carries on business within the county or district in which the Justice of the Peace issuing the same has jurisdiction, with some adult person employed in the office or place of business of such person or persons.

Service on certain public companies.

5. In cases against railroad, telegraph, telephone and express companies such summons and other papers may be served on any agent of such companies whose office or place of business as such agent is within such county or district; and for the purposes of this section the word "agent" shall be held to include:—

(a) In the case of a railway company, a station master having charge of a station belonging to the railway company;

(b) In the case of a telegraph company, a person having charge of a telegraph office belonging to the telegraph company;

(c) In the case of a telephone company, a person having charge of a telephone office belonging to the telephone company; and

(d) In the case of an express company, a person having charge of an express office belonging to the express company.

Effect of service under Act.

6. Service performed as authorized by this Act shall be deemed equal to and have the same effect as personal service within the meaning of section 12 of the said Revised Act respecting *Master and Servant*.

Appeals from orders made under Rev. Stat. c. 139.

7. Appeals from or against any conviction or order for the payment of wages or any order of dismissal from service or employment or against any decision of any justice or justices under the said last mentioned Revised Act may be made to the division court holden in a division in which the cause of action arose, or in which at the time of the making of the complaint the party complained against or one of them resided or carried on business.

Time and place for hearing appeals.

8.—(1) Upon the application of either party to an appeal the judge, subject to the right of either party to have the same tried by a jury as provided by section 16 of the said Revised Act, may try the appeal at such time and place as he may appoint, and upon such notice as to him may seem reasonable.

Waiver of right to jury.

(2) If at the time of filing a notice requiring a jury, the proper jury fees are not deposited with the Clerk by the party filing such notice, he shall be deemed to have waived the right to have the appeal tried by a jury.



9. It shall not be necessary for the appellant to enter into or join in an appeal bond to the opposite party, but a bond shall be sufficient if executed by two sufficient sureties only, and approved of by the clerk of the court, in the penal sum of one hundred dollars, conditioned to the effect by the fifteenth section of the said Revised Act provided.

Bond on  
appeal.

10.—(1) In the case of wages due to any mechanic, laborer or other person in respect of work referred to in the fourth section of *The Mechanics' Lien Act*, the jurisdiction of a police magistrate in a city under the *Act respecting Master and Servant* shall extend to wages for thirty days, or for a balance equal to the wages for thirty days, though the same or the balance thereof exceed the sum of \$40 in the said section mentioned.

Jurisdiction  
of police  
magistrate in  
cities under  
Rev. Stat.,  
c. 139.

(2) Where no specific rate of wages has been expressly agreed to between the parties, the city police magistrate aforesaid may order payment of the wages, reckoning the amount thereof according to the current rate of wages in the city in like cases, or according to what may appear to be a just and reasonable allowance.

Where no  
specific rate of  
wages agreed  
on.

(3) In case of the master or employer claiming a set-off, the police magistrate shall investigate the set-off and give judgment for the balance, if any, due to the claimant of wages, after deducting such set-off. The police magistrate shall not have jurisdiction to adjudicate upon a claim of set-off exceeding the claim for wages, except to the extent of the wages.

When master  
claims set off.

11.—(1) Any order of a city police magistrate for the payment of such wages as aforesaid shall be payable forthwith, and a warrant of distress shall be issued accordingly, unless the master makes oath, and the police magistrate believes, that the master is unable to make the payment forthwith, and expects to be able to pay and intends to pay the same within the time given, and unless also the police magistrate considers the proposed delay to be under all the circumstances reasonable. The magistrate if he sees fit may order security to be given as a condition of delay.

Order for pay-  
ment of  
wages, en-  
forcing.

(2) In case of an adjournment at the instance of the master, the adjournment shall be on payment then and there for the claimant's time in attending the court (the amount to be fixed by the police magistrate), unless the magistrate sees reason for dispensing with such immediate payment.

Adjournment  
at instance of  
master.

(3) In cases under the *Act respecting Master and Servant* for the recovery of any such wages as in this Act mentioned, the orders of a police magistrate shall be subject to appeal as the orders of a division court judge would be in like cases.

Appeals from  
orders made  
under Rev.  
Stat., c. 139.

(4) The order of the police magistrate for payment may be filed in that division court which would be the proper court

for bringing an action for the wages, and on such filing the order shall thereby become a judgment of the said division court, and may be treated in all respects and enforced as a judgment of the said court.

Act not to  
apply to cer-  
tain persons.

12. This Act does not apply to any foreman, manager, officer or other person whose wages are more than three dollars a day.

## CHAPTER 39.

An Act to consolidate the Acts respecting the  
Solemnization of Marriage*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as *The Marriage Act, 1896.* Short title.

2. The following persons, being men and resident in Canada, Who may  
solemnize  
marriage in  
Ontario.  
may solemnize the ceremony of marriage between any two  
persons not under a legal disqualification to contract such  
marriage:

1. The ministers and clergymen of every church and religious denomination duly ordained or appointed according to the rites and ceremonies of the churches or denominations to which they respectively belong.
2. Any elder, evangelist or missionary for the time being of any church or congregation of the religious people commonly called or known congregationally as "Congregations of God" or "of Christ," and individually as "Disciples of Christ," who from time to time is chosen by any such congregation for the purpose of solemnization of marriage.
3. Any duly appointed commissioner or staff officer of the religious society called the Salvation Army, chosen or commissioned by the said society to solemnize marriages.

3. Every marriage duly solemnized according to the rites, Marriages  
solemnized by  
Quakers.  
usages and customs of the religious Society of Friends, com-  
monly called Quakers, shall be valid; and all the duties

imposed

imposed by this Act, or by the *Act respecting the Registration of Births, Marriages and Deaths*, upon a minister or clergyman, shall, with regard to such marriage, be performed by the clerk or secretary of the society or of the meeting at which the marriage is solemnized. Provided always that nothing herein contained shall be construed as requiring the marriage to be celebrated or solemnized by such clerk or secretary.

Marriages not to be solemnized unless duly authorized.

4.—(1) No minister, clergyman or other person shall celebrate the ceremony of marriage between any two persons, unless duly authorized so to do by license under the hand and seal of the Lieutenant-Governor or his deputy, duly authorized in that behalf, or by a certificate under this Act, or unless the intention of the two persons to intermarry has been proclaimed once openly, and in an audible voice, either in the church, chapel or meeting-house in which one of the parties has been in the habit of attending worship, or in some church, chapel, meeting-house or place of public worship to the congregation or religious community with which the minister or clergyman who performs the ceremony is connected, in the local municipality, parish, circuit or pastoral charge, where one of the parties has, for the space of fifteen days immediately preceding, had his or her usual place of abode; nor, where both parties do not live in the same local municipality, parish, circuit or pastoral charge, unless there is delivered to the person proposing to celebrate the marriage a certificate (Schedule A) showing that a similar proclamation has been made in the local municipality, parish, circuit or pastoral charge (being within Canada) where the other of the contracting parties has for the space of fifteen days immediately preceding had his or her usual place of abode.

Proclamation of intention.

(2) Every such proclamation shall be made on a Sunday, immediately before the service begins or immediately after it ends, or at some intermediate part of the service.

Certificate of proclamation of intention.

(3) The said certificate of proclamation of intention shall be signed by the clergyman, minister, clerk, secretary or other person who actually proclaimed the same, and shall show the official position of the person who signs it.

Banns or license to lapse unless marriage takes place within three months.

5. (1)—No marriage shall be solemnized under the authority of any proclamation of intention to intermarry, unless such proclamation has been made at least one week previously, nor unless the marriage takes place within three months after the Sunday upon which the proclamation was made; nor shall a marriage be solemnized under the authority of any license or certificate unless within three months after the date thereof.



(2) No clergyman, minister or other person shall solemnize a marriage between the hours of 10 p.m. and 6 a.m. unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render its solemnization between the said hours advisable. Hours during which marriages not to take place.

(3) No clergyman, minister or other person shall solemnize a marriage without the presence of at least two adult witnesses; and two or more of such witnesses shall affix their names as witnesses to the record in the register prescribed by section 24. Witnesses required.

(4) No clergyman, minister or other person who is an issuer of marriage licenses shall solemnize the ceremony of marriage in any case in which he has issued the license or certificate authorizing such marriage. This sub-section shall not apply to the districts of Parry Sound, Nipissing, Algoma, Manitoulin, Thunder Bay, and Rainy River. Clergyman who is an issuer of marriage licenses.

(5) The certificate or license to marry or the certificate of publication of intention, when such certificate is required, shall be left with the clergyman, minister or other person who solemnizes the marriage. Certificate to be delivered to person solemnizing marriage.

6. No minister who solemnizes a marriage ceremony after banns have been published or a license or certificate has been issued under this Act in respect thereto, shall be subject to any action or liability for damages or otherwise by reason of there having been any legal impediment to the marriage, unless at the time when he performed the ceremony he was aware of the impediment. Protection of clergymen, etc., solemnizing marriages in good faith.

7. A certificate in the form given in Schedule B or Schedule C to this Act (according to the circumstances of the case) may, at the option of the applicant, be substituted for a marriage license; and such certificate shall have the same legal effect as a license. Certificate in lieu of marriage license.

8. Such licenses or certificates shall be issued from the office of the Provincial Secretary, and shall be furnished to persons requiring the same by such persons as the Lieutenant-Governor in Council may name for that purpose. Licenses and certificates, how issued.

9. Every license executed under the hand and seal of the Lieutenant-Governor, or his deputy duly authorized in that behalf, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or his deputy, or the Provincial Secretary, or the Assistant Provincial Secretary has ceased to Validity of licenses and certificates

hold office before the time of the issue of the license or certificate.

Unauthorized  
issue of licenses  
or certificates.

**10.** If any person issues any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of one hundred dollars for every license or certificate so issued.

Deputy  
issuers of marriage  
licenses.

**11.**—(1) Any issuer of marriage licenses or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township, or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint by writing under his hand, a deputy to act for him.

Powers of  
deputy issuers.

(2) The said deputy shall, while so acting at the residence, or office, or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the issuer appointing him.

Notice of ap-  
pointment of  
deputy

(3) The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

Appointment  
of deputy in  
cases of  
emergency.

(4) In case it is necessary on account of illness, unavoidable accident, or contemplated temporary absence of an issuer of marriage licenses, to appoint a deputy, and there is no mayor or reeve to give the consent required by the provisions of subsection 1 of this section, such issuer of marriage licenses may, in the manner in other respects required by the said sub-section, but without such consent, appoint such deputy, and the licenses or certificates issued by such deputy shall be deemed to authorize the solemnization of marriages at the same places as licenses or certificates issued by the principal for whom such deputy acts, and no irregularity in the appointment of a deputy issuer shall affect the validity of a license or certificate by him issued.

Licenses  
signed by  
deputy.

**12.** Every deputy so appointed shall sign each license and certificate issued by him with the name of his principal as well as his own name in the following manner:—"A. B.—*Issuer of Marriage Licenses, per C. D., Deputy-Issuer,*" or to the like effect, but no irregularity in the issue of a license or certificate issued by an issuer or deputy-issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof.

**13.** Every issuer of licenses or certificates aforesaid, or any other person having unissued licenses or certificates in his possession, power, custody, or control, shall, whenever required so to do, transmit to the Provincial Secretary every such license or certificate, and the property in all unissued licenses and certificates shall be and remain in Her Majesty.

Unissued licenses to be returned to Provincial Secretary.

**14.** All expenses incident to providing licenses and certificates shall be paid by the issuer of the licenses and certificates.

Expenses incident to procuring licenses.

**15.**—(1) Where, in case of an intended marriage, either of the parties thereto (not being a widower or widow) is under the age of eighteen years, the consent of the father of such party, if the father be living, or if the father be dead the consent of the mother, if living, or of a guardian, if any has been duly appointed, shall be required before the license is issued.

Consent required to marriage where one of the parties is under eighteen

(2) When such consent is necessary under the preceding sub-section, no license or certificate shall be issued without the production of the consent, and the issuer or deputy-issuer shall satisfy himself of the genuineness of such consent by satisfactory proof in addition to the affidavit required of the party.

Consent to be produced before license issues.

(3) In the case of a party under the age of eighteen years not being a widower or widow, if both the father and mother of such person are dead and there is no guardian of such party duly appointed, the issuer or deputy-issuer, on being satisfied as to the facts, may grant the license or certificate.

When parents are dead and there is no guardian.

(4) In case the father or mother, though living, is not a resident of this Province, and is not in this Province at the time of the application for a license, and the party under the age of eighteen years is himself or herself a resident and has been such resident for the preceding twelve months, the issuer or deputy-issuer, on being satisfied by evidence of these facts, may grant the license or certificate.

Evidence of absence of parents from the Province.

**16.**—(1) No license or certificate shall be issued in the case of any party under the age of fourteen years, and no person shall celebrate the marriage ceremony in any case in which either of the contracting parties is under the age of fourteen years, to the knowledge or information of the person to celebrate such ceremony.

No license or marriage where either party under fourteen.

(2) If any minister, clergyman or other person shall celebrate the ceremony of marriage between two persons knowing or believing either of them to be an idiot or insane, the person so offending shall incur a penalty of \$500.

**17.**—(1) Before any license or certificate is granted by any issuer or deputy-issuer, each of the parties to the intended marriage shall personally make an affidavit which shall state:

Affidavit to be made by each of the parties before license granted.

(a)



- (a) In what county or district it is intended that the marriage shall be solemnized, and in what town, village or place in the county or district, and
  - (b) That he or she believes there is no affinity, consanguinity, prior marriage, or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage.
  - (c) That one of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode within the county or judicial district in which (for either municipal or judicial purposes) the local municipality in which the marriage is to be solemnized lies;
- Or (if the county or district in which it is intended that the marriage shall be solemnized is not that in which either of the parties has for the space of fifteen days immediately preceding the issue of the license or certificate, had his or her usual place of abode) that the reason of procuring the marriage to be solemnized in such place is not in order to evade due publicity or for any other improper purpose.
- (d) The age of the deponent and that the other contracting party is of the full age of eighteen years, or the age of such other contracting party, if under the age of eighteen years, as the case may be.
  - (e) The condition in life of the parties, whether bachelor, widower, spinster or widow, according to the fact.

Evidence of  
consent of  
parents.

(2) The affidavit shall further state the facts necessary to enable the issuer or deputy issuer to judge whether or not the required consent has been duly given in the case of any party under the age of eighteen years, or whether or not such consent is necessary.

Form of  
affidavit.

(3) The affidavit may be in the form set forth in Schedule D to this Act, and may be made before the issuer of licenses or his deputy, or before a commissioner for taking affidavits in the High Court or a justice of the peace or notary public, or in case the same is made outside of Ontario, it may be made before a notary public or any other person authorized to administer oaths under *The Registry Act, 1893*, but no issuer or deputy issuer shall issue a license or certificate unless one of the parties makes the affidavit before him.

56 V. c. 21.!

Written con-  
sent to be  
produced and  
annexed to  
affidavit.

18. Where a party (not being a widower or widow) is under the age of eighteen years, the written consent of the person whose consent to the marriage is required, shall be produced and annexed to the affidavit of the party in respect

of



of whom such consent is required, and shall be verified by such affidavit.

**19.**—(1) Upon the back, or at the foot of the printed forms of affidavits to be made by the parties, shall be printed a memorandum showing the degree of affinity and consanguinity between the parties, which bar or hinder the solemnization of marriage between them; and no affidavit shall be acted upon by the issuer which does not have the said memorandum printed thereon; and upon the back or at the foot of the certificates or licenses issued, shall be printed such extracts from the Statutes as are necessary to show what persons are authorized to solemnize marriages in Ontario, or an epitome of the provisions of such Statutes.

Prohibited degrees to be set forth in form of affidavit.

(2) The issuer or deputy issuer before administering the oath to the applicant, shall see that the applicant is aware what degrees of affinity or consanguinity are a bar to the solemnization of marriage.

Duty of issuer of licenses.

**20.**—(1) In case the person having authority to issue the license or certificate has personal knowledge that the facts are not as section 15 of this Act requires, he shall not issue the license or certificate; and if he has any reason to believe or suspect that the facts are not as aforesaid, he shall, before issuing the license or certificate, require further evidence to his satisfaction in addition to the said affidavit.

When licensee has personal knowledge that proper consent not obtained.

(2) The issuer or deputy issuer shall keep on record the affidavits or depositions satisfying him of the facts of which he is to be satisfied before issuing a license.

Record to be kept of evidence on which license issues.

(3) No license or certificate shall be issued between the hours of 11 p.m. and 6 a.m. by any issuer or deputy issuer unless he is satisfied from evidence adduced to him that the proposed marriage is legal and that exceptional circumstances exist which render the issue of the license or certificate advisable.

Hours during which licenses may not be issued.

(4) Every issuer or deputy-issuer of marriage licenses shall, immediately upon issuing a marriage license, fill up on a form supplied to him by the Registrar-General, the particulars contained in Schedule E appended to this Act, or such of them as he is then able to give, and said issuer shall forward the same forthwith to the Registrar-General; and every such issuer of marriage licenses, shall on making application to the Provincial Secretary for a new supply of licenses, certify that a complete return of every license issued by him has been forwarded to the Registrar-General.

Particulars to be sent to Registrar-General.

**21.** No fee shall be payable for any license or certificate except the sum of two dollars, which the issuer of the license or certificate shall be entitled to retain for his own use; but the Lieutenant-Governor in Council may from time to time reduce the sum so payable.

Fees for licenses or certificates.

Objections on grounds of place or hour of marriage.

**22.** It shall not be a valid objection to the legality of a marriage that the same was not solemnized in a consecrated church or chapel, or within any particular hours.

Certificate to be given by person solemnizing marriage when required.

**23.** Every clergyman, minister or other person who solemnizes a marriage, and the clerk or secretary of a Society of Quakers, or of the meeting at which the marriage is solemnized, shall, at the time of the marriage, if required, by either of the parties thereto, give a certificate of the marriage under his hand, specifying the names of the persons married, the time of the marriage, and the names of two or more persons who witnessed it, and specifying also whether the marriage was solemnized pursuant to license or certificate under this Act, or after publication of banns; and the clergyman, minister, clerk or secretary aforesaid, may demand twenty-five cents for the certificate given by him from the person requiring it.

Marriages to be registered by person solemnizing.

**24.** Every clergyman, minister, or other person authorized to solemnize marriages, shall, immediately after he has solemnized a marriage, enter in a Marriage Registry Book, to be kept by him for the purpose (unless where a similar register is kept in the church at which he officiates, in which case the entries shall be made in that book), the particulars required in schedule E to this Act, and shall authenticate the same by his signature.

Registers to be furnished to persons authorized to solemnize marriages.

**25.—(1)** The clerk of the peace for every county or district shall, on demand, furnish all persons authorized by this Act to solemnize marriages with the registry books required to be kept under the next preceding section, the said books to be made of good writing paper, to be printed on every page according to the form given in Schedule E, and strongly bound. The books shall be of two different convenient sizes so that where the applicant is in charge of a congregation which keeps the registry book in the church building a larger size may be supplied than is required where the applicant proposes to keep the book in his own custody. The said books shall be lettered plainly on the outside, both on the back and at the side, "Marriage Register." This shall not entitle any person to receive a registry book who has heretofore obtained a registry book from the clerk of the peace until such book is filled, but the clerk of the peace shall furnish to any person authorized to solemnize marriages a register under this Act at the expense of the applicant, but shall not furnish a second or subsequent book except under the conditions prescribed by sub-section 5 of this section.

Cost of furnishing registers.

**(2)** The cost of books furnished to persons residing in any city or separated town shall be defrayed by the city or separated town, and the cost of those furnished to persons residing in other parts of any county shall be defrayed by the county. In places outside of county organization the expense shall

shall be borne by the Province out of such moneys as may be provided by the Legislature for that purpose.

(3) The clerk of the peace shall enter on the inside of the cover of each marriage registry book furnished by him a statement showing the date upon which the same is furnished, the name of the person to whom it is supplied and the denomination to which he belongs, as well as the particular congregation (if any) of which he is then in charge, and shall enter the same particulars in a book to be kept by him for that purpose.

Entries to be made in register before delivery by clerk of the peace.

(4) Whenever a register is completely filled, or the person to whom it was delivered dies, it shall, unless it is the property of a congregation whose practice it is to keep such books in the church, be delivered by such person, or his personal representatives, to the clerk of the peace from whom it was obtained, who shall note the fact of such return; with the date thereof, in the book secondly mentioned in the next preceding sub-section, and at the place where he entered the particulars required to be stated by him as mentioned in the said sub-section; and he shall keep the register so returned amongst the records of his office. He shall also state in such note whether the register was returned on account of the death of the holder or on account of its being filled.

Where person to whom register is delivered dies or register is filled up.

(5) No clergyman, minister or other person shall be furnished with a second or subsequent register, until he has returned the register which he had previously obtained, or has properly accounted in writing for its non-return; and when the register is not returned the explanation shall be shortly noted in the said book required to be kept by the clerk of the peace under sub-section 3, at the place where the particulars of the delivery of the unreturned register appear.

Second register not to be furnished until first one returned.

(6) The clerk of the peace shall be entitled to be paid for services performed under sub-section 3 the sum of fifty cents for each register furnished, and for services performed under sub-sections 4 and 5 the sum of twenty-five cents for each register returned or accounted for to him.

Fees of clerk of the peace.

**26.** The registry book, by whomsoever furnished, shall be the property of the denomination to which the clergyman, minister or other person to whom it is delivered, belongs at the time of the delivery thereof to him, and in case he is in charge of a particular congregation of such denomination, it shall belong to the trustees or other body in which the property of the church or meeting house used by such congregation for its ordinary services is vested.

Property in registers.

**27.** Printed copies of this Act shall be furnished in pamphlet form by the clerks of the peace, by mail if desired, post paid, to any person applying therefor upon payment of ten cents for

Printed copies of marriage laws to be furnished.

each



each copy, and the said clerks of the peace shall obtain from the Queen's Printer so many copies as they may require at the rate of fifty cents per dozen.

Marriages heretofore solemnized by persons not resident in Ontario validated.

28. Any marriages which, before the passing of this Act, have been solemnized in this Province by clergymen or ministers duly ordained or appointed as such according to the rites and ceremonies of the churches to which they belong, or by commissioners or staff officers of the Salvation Army, between persons not under any legal disqualification for entering into the contract of matrimony are hereby declared to have been and to be lawful and valid marriages, so far as respects the civil rights in this Province of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the person who solemnized any such marriage was not at the time a resident of this Province ;

Proviso.

Provided that the parties thereafter lived together and cohabited as man and wife, and that the validity of the marriage has not hitherto been questioned in any suit or action ; and

Proviso.

Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto has since contracted matrimony according to law ; and in such a case the validity of the marriage by a non-resident shall be determined as if this Act had not been passed.

Certain marriages to be deemed valid after three years or on death of one of the parties.

29. Every marriage heretofore or hereafter solemnized between persons not under a legal disqualification to contract such marriage, shall after three years from the time of the solemnization thereof, or upon the death of either of the parties before the expiry of such time, be deemed a valid marriage so far as respects the civil rights in this Province of the parties or their issue, and in respect of all matters within the jurisdiction of the Ontario Legislature notwithstanding the clergyman, minister or other person who solemnized the marriage was not duly authorized to solemnize marriages, and notwithstanding any irregularity or insufficiency in the proclamation of intention to intermarry or in the issue of the license or certificate, or notwithstanding the entire absence of either ;

Proviso.

Provided that the parties after such solemnization lived together and cohabited as man and wife and that the validity of the marriage has not before such death or prior to the expiry of the said time been questioned in any suit or action ; and

Proviso.

Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto had or has previous to the death of the other and previous to the expiration of the said three years contracted matrimony according to law, and in such a case the validity of such marriage shall be determined as if this section had not been passed.



**30.** Any marriages which before the 4th day of May, 1891 had been solemnized in this Province according to the rites, usages and customs of the religious society called Friends, commonly called Quakers, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid marriages so far as respects the civil rights in this Province, of the parties, or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature.

Certain marriages solemnized in Society of Friends before 4th May, 1891.

Provided that the parties thereafter lived together and cohabited as man and wife and that the validity of the marriage had not been questioned in any suit or action before the tenth day of February, 1891, and

Proviso.

Provided further that nothing in this section shall make valid any such marriage in case either of the parties thereto had or has since such marriage and prior to the 4th day of May, 1891, contracted matrimony according to law; and in such case the validity of the marriage shall be determined as if this Act had not been passed.

Proviso.

**31.** The following Acts and parts of Acts are repealed:—

Acts repealed.

Chapter 131 of the Revised Statutes of Ontario, 1887; section 1 of the Act passed in the 51st year of Her Majesty's reign, chaptered 20; the Act passed in the 54th year of Her Majesty's reign, chaptered 23; and the Act passed in the 57th year of Her Majesty's reign, chaptered 40.

**32.** This Act shall not take effect until the 1st day of August 1896, except sections 28 and 29, which shall go into force forthwith.

Commencement of Act.

## SCHEDULE A.

### Section 4.

#### CERTIFICATE OF PUBLICATION OF BANNS.

I hereby certify that on Sunday, the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18\_\_\_\_, the intention of *A. B.*, of \_\_\_\_\_ (state residence) and *C. D.*, of \_\_\_\_\_ (state residence) to intermarry was duly proclaimed by me in \_\_\_\_\_ Church, being a church in the \_\_\_\_\_ (state name of township or other local municipality or parish, circuit or pastoral charge). I further certify that I verily believe the said *A. B.* (or *C. D.*) had his (or her) usual place of abode in the said \_\_\_\_\_ (township or other local municipality or parish, circuit or pastoral charge) for the space of fifteen days immediately preceding the said Sunday.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18\_\_\_\_.

Minister of

Church

## SCHEDULE

## SCHEDULE B.

*(Section 7.)*

FORM OF CERTIFICATE BEFORE MARRIAGE WITHOUT BANNS, WHERE ONE OF THE PARTIES HAS RESIDED FOR FIFTEEN DAYS NEXT PRECEEDING THE ISSUE OF THE CERTIFICATE IN THE COUNTY.

These are to certify that *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A.B.* (or *C.D.*) has made oath, as required by law, that he (or she) believes that there is no affinity, consanguinity, precontract, or any other lawful cause or legal impediment, to bar or hinder the solemnization of the said marriage, and that said *A.B.* (or *C.D.* or both, as the case may be), has, (or have) had his (or her, or their) usual place of abode, for the space of fifteen days last past, within the city, (county or district) of \_\_\_\_\_ namely, in the township (town or village) of \_\_\_\_\_ in the said county (or district of \_\_\_\_\_) and that the said *A.B.* and *C.D.* are of the full age of eighteen years.

[Or that *A.B.* or *C.D.* is a widower or widow ; or is under the age of eighteen years, and that the consent of *E.D.* whose consent to said marriage is required by law, has been obtained ; or that the father of the (party under age) is dead, no guardian of the person of the said (party) has been appointed, and the mother of the said (party) is dead and there is no person having authority to give consent to said marriage (as the case may be).]

These are therefore to certify that the requirements of *The Marriage Act, 1896* have been complied with and such marriage may be solemnized in the county of \_\_\_\_\_ (naming the county or district within which it is intended that the marriage shall be solemnized).

Given under my hand and seal at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord 18\_\_\_\_, and in the \_\_\_\_\_ year of Her Majesty's reign.

*G. H.*

Issuer (or Deputy issuer) of Licenses.

Issued from the Office of the Provincial Secretary for the Province of Ontario this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_.

*K. L.,*  
Provincial Secretary.

## SCHEDULE C.

*(Section 7.)*

FORM OF CERTIFICATE FOR MARRIAGE WITHOUT BANNS, WHERE NEITHER OF THE PARTIES HAS RESIDED FOR FIFTEEN DAYS NEXT PRECEDING IN THE COUNTY.

There are to certify that *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ being minded, as it is said, to enter into the contract of marriage, and being desirous of having the same duly solemnized, the said *A.B.* (or *C.D.*) has made oath that he (or she) believes that there is no affinity, consanguinity precontract, or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage, and having also otherwise made oath as required by law.

These are therefore to certify that the requirements of *The Marriage Act, 1896*, have been complied with.

Given under my hand and seal at, etc., (*as in preceeding form.*)

*G.H.*

Issuer (or Deputy issuer) of Licenses.

Issued, etc.

*K.L.*

Provincial Secretary.

## SCHEDULE D.

*(Section 17).*

## FORM OF AFFIDAVIT.

I *A.B.* of the \_\_\_\_\_, in the County of \_\_\_\_\_ (*Addition*) make oath and say as follows:—

1. I and *C.D.* of \_\_\_\_\_, in the County of \_\_\_\_\_ (*Addition*) are desirous of entering into the contract of marriage, and of having our marriage duly solemnized at the town (or village, etc.) of \_\_\_\_\_ in the County (or district) of \_\_\_\_\_

2. According to the best of my knowledge and belief, there is no affinity, consanguinity, prior marriage or any other lawful cause or legal impediment to bar or hinder the solemnization of the said marriage.

3. I (or the said *C.D.* or both, as the case may be) have (or has) had since the \_\_\_\_\_ day of \_\_\_\_\_ my (or his or her or our) usual place of abode within the municipality of \_\_\_\_\_ in the said county (or district). Or if neither of the parties has, for the space of fifteen days immediately preceding the issue of the certificate or license, had his or her usual place of abode in the county or district in which it is intended that the marriage shall be solemnized, add as follows:—The reason of procuring the marriage to be solemnized in \_\_\_\_\_ is not in order to evade due publicity or for any other improper purpose.

4. I am of the age of        years, and the said *C.D.* is of the full age of 18 years (*or* the said *C.D.* is of the age of        years *or* over).

5. I am a bachelor (*or* widower), and the said *C.D.* is a spinster (*or* widow).

6. (*If either party be under 18 and not a widower or widow, add*): *E.D.* of       , in the county of        is the person whose consent to the said marriage is required by law, and the said *E.D.* consents to the said marriage. The paper writing hereto annexed marked "A" is the consent of the said *E.D.* to the said marriage, and the signature thereto is of the proper handwriting of the said *E.D.*

7. The said *E.D.* is the father of the said *C.D.* [*or* the said *E.D.* is the mother [*or* guardian duly appointed] of the said *C.D.*, and the father of the said *C.D.* is dead] (*or* the father and mother of the said *C.D.* are both dead and no guardian of the said *C.D.* has been appointed)].

*A.B.*

Sworn before me, etc.,

*G.H.*

Issuer of Licenses.

[NOTE: The form will be varied as the circumstances of the case may require].

## SCHEDULE E.

(Sections 24 and 25).

### REGISTER OF MARRIAGES.

	BRIDEGROOM.
His Name.	
Age.	
Residence when Married.	
Place of Birth.	
Bachelor or Widower (B. or W.)	
Occupation.	
Religious Denomination of Bridegroom.	
Names of Parents.	

BRIDE



	BRIDE.
Her Name.	
Age.	
Residence when Married.	
Place of Birth.	
Spinster or Widow (s. or w.)	
Religious Denomination of Bride.	
Names of Parents.	
Whether Married by License or Banns (L. or B.)	
SIGNATURES	
of Bridegroom	
of Bride	

of Witnesses.

{	
	Residence .....
{	Residence .....

I certify the above named parties were married by me at *St. Mark's Church, Toronto*, in the County of *York*, this                      day of  
A.D. 18 .

*Rector of St. Mark's Church, Toronto.*

## CHAPTER 40.

## An Act relating to Dower in certain Cases.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Dower Act, 1896*.

Where wife of vendor or mortgagor has been living apart from husband for five years.

2. Where the wife of an owner of land has been living apart from her husband for five years or more, and the husband sells and conveys, or has sold and conveyed the land, or mortgages or has mortgaged the same, the wife not joining in the conveyance or mortgage, and the purchaser or mortgagee having no notice that the grantor or mortgagor had a wife living at the time, such purchaser or mortgagee, may apply to a judge of the High Court and have the same relief, or to the same effect, and subject to the same conditions, and by the same proceedings, as provided for a husband of a lunatic wife under the *Act respecting Dower*.

Rev. Stat. c. 133.

Where husband is living with another woman as his wife.

3. The rule and practice shall be the same where the husband is living with or recognizing another woman as his wife, the purchaser or mortgagee having no notice of her not being his wife and no notice that the grantor or mortgagor had a rightful wife with whom he is not living.

Relief of persons claiming under grantee or mortgagee.

4. Any person claiming under the grantee or mortgagee shall be entitled to apply in like manner and obtain like relief on the foundation of the right of the said grantee or mortgagee in that behalf, or of the applicant's own interest having been acquired by purchase for value in good faith without notice by him of the owner aforesaid having had a wife at the time of the conveyance or mortgage, and such owner may apply in like manner and have like relief.

Where wife is a lunatic confined in an asylum.

5. Where a person, whose wife is a lunatic and confined as such in a public lunatic asylum in this Province, has heretofore while

while his wife was so confined, become the owner of land or hereafter while she is so confined becomes the owner of land, such person may sell and convey or mortgage such land, freed and discharged of any claim of his said wife for dower therein, but no such conveyance or mortgage shall be made after the discharge of the said wife from the said asylum.

6. Where a wife is under age at the time of executing a conveyance to a purchaser for value purporting or intended to bar her dower in any land, and the purchaser had at or before the execution of the conveyance and payment of the purchase money no notice that she was so under age, the conveyance will be effectual to bar her dower, unless she brings an action of dower within four years after the conveyance, or unless she within that time gives to the owner written notice of her claim to dower by reason of her minority aforesaid. This section shall apply to any conveyances heretofore executed, as well as to conveyances executed hereafter.

Wife purporting to bar dower when under age.

## CHAPTER 41.

## An Act to amend the Act to Facilitate the Conveyance of Real Estate by Married Women.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Deeds made  
by married  
women  
without their  
husband  
before 29th  
March 1873.

1 Every conveyance before 29th March, 1873, executed by a married woman, of or affecting her real estate shall, notwithstanding her husband did not join therein, be taken and adjudged to be, and to have been valid and effectual to have passed the estate which such conveyance professed to pass, of such married woman in the said real estate.

Certain con-  
veyances not  
to be deemed  
to be vali.  
dated.

2. Nothing in the preceding section contained shall render valid any such conveyance as aforesaid to the prejudice of any title subsequently to the execution of such conveyance and before the passing of this Act, acquired from the married women by deed duly executed and certified as by law required, unless the actual possession or enjoyment of the real estate conveyed or intended to be conveyed by the prior conveyance shall have been had at any time subsequent thereto by the grantee therein, or those claiming by, from, or under him, and he or they shall have been in such actual possession or enjoyment continuously for the period of three years before the passing of this Act, and he or they is or are at the time of the passing of this Act in the actual possession or enjoyment thereof; and nothing in this Act contained shall render valid any conveyance from the married women which was not executed in good faith or any conveyance of land of which the married woman or those claiming under her, is or are in the actual possession or enjoyment contrary to the terms of such conveyance, nor shall the Act affect any litigation now pending.



## CHAPTER 42.

## An Act respecting the Law of Landlord and Tenant.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Landlord and Tenant Act, 1896.* Short title.

2. Sub-section 5, of section 30, of the Revised *Act respecting the Law of Landlord and Tenant* is hereby amended by inserting in the tenth line thereof between the words “premises” and the word “after” the following words: “within three days.” Rev. Stat. c. 143 s. 30 subs. 5, amended.

3.—(1) Section 4 of *The Landlord and Tenant Act, 1895*, is repealed, and the following substituted therefor: The relation of landlord and tenant is not hereafter to depend on tenure, and a reversion or remainder in the lessor shall not be necessary in order to create the relation of landlord and tenant; or to make applicable the incidents by law belonging to that relation nor shall any agreement between the parties be necessary to give to a landlord the right of distress. 58 V. c. 26, s. 4, repealed. Reversion or remainder not necessary to create relation of landlord and tenant.

(2) It is hereby declared that the said section was intended to express the same meaning as this section and no other.

4. Section 2 of the *Act respecting Overholding Tenants* is amended by striking out that part thereof which follows after the word “is” in the twelfth line, and by inserting the following instead thereof: “And such judge shall appoint a time and place at which he will enquire and determine whether the person complained of was tenant to the complainant for a term or period which has expired or has been determined by a notice to quit or for default in payment of rent or otherwise, and whether Rev. Stat. c. 144, s. 2, amended. Judge to appoint time and place for determining matter.

the tenant holds the possession against the right of the landlord, and whether the tenant does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise."

Rev. Stat. c.  
144, s. 3  
repealed.

(2) Section 3 of the said Act is repealed.

Rev. Stat. c.  
144, s. 4  
amended.

(3) Section 4 of the said Act is amended by adding, after the word "inquiry" in the second line thereof, the following words: "and stating briefly the principal facts alleged by the landlord to entitle him to possession."

## CHAPTER 43.

## An Act respecting Road Companies.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as Follows:—

1. Section 9 of the Act passed in the 58th year of Her Majesty's reign, chaptered 31, intituled, *An Act to amend the General Road Companies' Act* is amended by striking out the words, "and shall remain in force for one year therefrom only" at the end of the said section. 58 V., c. 31,  
s. 9, amended.  
Act continued  
in force.

2. Section 129 of *The General Road Companies' Act* is amended by adding the following sub-section:— Rev. Stat.  
c. 159 s. 129  
amended.

(2) The penalty for any offence against this section shall be payable to the complainant if the complainant is the person from whom excessive toll has been taken, and where the complainant is not the person from whom excessive toll has been taken, one-half of the penalty shall be payable to the complainant and one-half to such person. Application of  
penalty.

## CHAPTER 44.

## An Act affecting Timber Slide Companies.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Rev. Stat. c.  
160, s. 20  
amended.

1. Section 20 of *The Timber Slide Companies' Act* is amended by adding thereto the following subsection :—

Annual report  
to Commis-  
sioner of  
Crown Lands.

(10) A detailed description of any repairs or renewals that may require to be made after the 31st day of December in the year to which said report relates and before the time of settling the tolls, together with an estimate of the cost thereof, and in case such repairs or renewals are actually made before the settling of the tolls, the cost thereof may be taken into consideration in fixing such tolls and such estimated cost of such repairs or renewals shall be advertised along with the schedule of tolls as provided in section 8a of this Act.

Rev. Stat. c.  
160, s. 39  
amended.

2. Section 39 of the said Act is amended by adding at the end thereof the following : And unless the Commissioner of Crown Lands shall be of opinion that injustice will be done to any of the parties interested, such surplus may, in case of a deficiency, be applied in whole or in part upon any deficiency which may be found to have existed in the year preceding the year in which the surplus accrued.

Rev. Stat. c.  
160, s. 39  
amended.

3. The following is added as subsection 2 to said section 39 :—

Commissioner  
may refer  
accounts, etc.,  
to an expert.

(2) The Commissioner of Crown Lands shall have power by instrument under his hand to refer the taking of the accounts or the consideration of any matter or thing that he may deem necessary in order to the proper adjustment of the tolls to an accountant or expert or any other person of skill, and in such case said accountant, expert or person of skill, shall have



all the powers conferred or intended to be conferred upon a person appointed to examine the books under authority of section 22 of this Act.

4. Section 42 of the said Act is amended by adding thereto the following words:—"And in case any owner or person in charge shall, knowingly or wilfully, falsely return a larger quantity than it is his intention or the intention of such proprietor or person in charge to pass over any of said sections, the company shall be entitled in addition to any other remedies it may have, to collect tolls on the difference between the quantity so falsely estimated and the quantity actually passing over the works."

Rev. Stat. c. 160, s. 42 amended.

When false estimate is given as to quantity liable to toll

5. The Commissioner of Crown Lands may administer oaths and take evidence upon oath as to all such matters and things as come before him under this Act, and may by writing authorize any person to whom any matter or thing under this Act shall be referred to administer oaths and take evidence upon oath for the purposes of this Act.

Commissioner may take evidence on oath.

6. Section 54 of *The Timber Slide Companies' Act* as amended by section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 43, intituled "*An Act to amend the Timber Slide Companies' Act*" is repealed and the following substituted therefor:—

Rev. Stat. c. 160, s. 54 repealed.

(54) Every such company shall within two years from the day of their becoming incorporated complete each and every work undertaken by them and mentioned in the report required prior to the incorporation of the company, and for the completion whereof they may be incorporated, in default whereof they shall be liable to forfeit the right to all the corporate and other powers and authority which they have in the meantime acquired, and the Attorney-General may cause proceedings to be taken in the name of the Crown to set aside the said charter by serving notice upon every such company, and the Lieutenant-Governor in Council may, after an opportunity to be heard has been given to such company, declare that their corporate powers shall cease and determine at a date to be named in and by such order-in-council, and from and after such date all the corporate powers of such company shall cease, and determine unless prior to the taking of proceedings by the Attorney-General as aforesaid, further time is granted by a by-law of the county or counties, in or adjoining which the work is situate or by order of the Commissioner of Crown Lands, or unless on any work or part or parts of such work appearing to be unnecessary, the same is dispensed with by such by-law or by the Commissioner of Crown Lands; and if any company formed under this Act abandons for the space of one year any works completed by them so that the same

Time for completion of works.

Default in completing works.

are not in sufficient repair and cannot be used for the purpose proposed in the instrument of incorporation of the company then the corporate powers of the company shall cease and determine unless the maintenance of the work or any part or parts so abandoned becomes unnecessary owing to the clearance or removal of the timber from the immediate neighborhood thereof, or unless the abandonment of the same is permitted by such by-law or by the Commissioner of Crown Lands.

Act to be  
read with  
Rev. Stat. c.  
160.

7. This Act shall be read with and as part of *The Timber Slide Companies' Act*.

## CHAPTER 45.

## An Act relating to the Law of Insurance.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 39, as amended by sub-section 2 of section 8 of the Act passed in the 56th year of Her Majesty's reign, chaptered 32, is amended by adding thereto sub-section 2 as follows :—

(2) This section applies as well to any policy issued before the 7th April, 1890, as thereafter, and also to declarations made on, or relating to, any such policy before or after the said date.

2. Section 6 of chapter 136 of the Revised Statutes, 1887, as amended by section 3 of an Act passed in the 51st year of Her Majesty's reign, chaptered 22, and by section 6 of an Act passed in the 53rd year of Her Majesty's reign, chaptered 39, and by section 8 of an Act passed in the 56th year of Her Majesty's reign, chaptered 32, and by section 12 of an Act passed in the 58th year of Her Majesty's reign, chaptered 34, is repealed and the following section is substituted therefor :—

6.—(1) The assured may, by an instrument in writing attached to or indorsed on, or identifying the policy by its number or otherwise, vary a policy or a declaration or an apportionment previously made so as to restrict or extend, transfer or limit, the benefits of the policy to the wife alone or the children, or to one or more of them, or to the mother of the assured, as a beneficiary or sole beneficiary, although the policy is expressed or declared to be for the benefit of the wife

53 Vict., c. 39  
s. 5,  
amended.

Application of  
53 V. c. 39,  
s. 5.

Rev. Stat., c.  
136, s. 6 and  
amending  
provisions  
repealed.

Varying  
declaration  
as to bene-  
ficiaries on life  
policy.

and

Apportion-  
ment of in-  
surance  
moneys by  
declaration.

and children, or of the wife alone, or of the child or children alone, or of the mother or for the benefit of the wife for life, and of the children after her death, or for the benefit of the wife, and in case of her death during the life of the assured, then for the child or children, or any of them, or for the benefit of any one or more of the above mentioned persons for life, and, after his or their decease, for the benefit of any one or more of the survivors; or, although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefited; and may, from time to time, by instrument in writing attached to or indorsed on the policy, or referring to the same, alter the apportionment as he deems proper; he may also, by his will, make or alter the apportionment of the insurance money; and an apportionment made or altered by his will shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by will; and whatever the assured may, under this section, do by an instrument in writing attached to or indorsed on or identifying the policy, or a particular policy or policies, by number or otherwise, he may also do by a will identifying the policy, or a particular policy or policies, by number or otherwise.

“Apportion,  
“apportion-  
ment,” mean-  
ing of.

(2) “Apportion” or “apportionment” in this section includes and authorizes any division, sub-division, re-apportionment, or disposition of insurance moneys or benefits among any of the class of persons who under this or any amending Act are entitled to be preferred to creditors of the assured; and also includes and authorizes any disposition of the said moneys or benefits such as partly or wholly to divest the right, or to enlarge or diminish the interest of a beneficiary or beneficiaries acquired under any prior disposition of the said moneys or benefits, or such as to substitute one beneficiary of the said class for another, or others, or all others, or conversely.

Proviso.

Provided that the assured shall not by virtue of this section be authorized to divert the said moneys or benefits from all of the said class to a person not of the said class, or to the assured himself, or to his estate; or to divert the said insurance moneys or benefits, or any part thereof, from the original beneficiary when the policy expressly states that that beneficiary was a beneficiary for valuable consideration.

Application of  
section.

(3) This section applies not only to any future policy and to any declaration made on or relating to any such policy, but also to any policy heretofore issued and declaration heretofore made.

56/V., c. 32,  
s. 8, sub-s; 2  
amended.

3. Sub-section 2 of section 8 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32 is amended by

inserting



inserting after the words "the said Act" in the first line of the said sub-section, these words; "Passed in the 53rd year of Her Majesty's reign and chaptered 39."

4.—(1) Section 8 of chapter 136 of the Revised Statutes, 1887, is amended by striking out in the ninth and tenth lines, these words "the wife and children of the insured or one or more of them" and substituting in lieu thereof, these words "any one or more of the class of persons who, under this or any amending Act are entitled to be preferred to creditors of the assured;" and the said section is further amended by striking out all the words of the said section after the words "person so dying" in the eleventh line of the said section and substituting the following words in lieu thereof: "Shall be for the benefit of the survivor or of the survivors of such persons in equal shares."

Rev. Stat., c.  
136, s. 8,  
amended.

(2) Sub-section 2 of section 12 of the said Act, as added by section 7 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is amended by striking out the word "the" in the first line of the said sub-section and substituting therefor the word "any;" also, by inserting after the word "document" in the second line these words "relating to persons under incapacity;" also, by striking out in the fifth line the words "deceased at his death" and substituting therefor these words "assured, at the maturity of the policy;" also, by inserting after the word "infants" in the twelfth line thereof the words "or other beneficiaries under incapacity."

Rev. Stat., c.  
136, s. 12,  
sub-s. 2  
amended.

5. Section 21 of chapter 136 of the Revised Statutes, 1887, is repealed and the following section substituted therefor:—

Rev. Stat., c.  
136, s. 21, re-  
pealed.

21. Until the insurer has received the original or a copy of any declaration, apportionment, will or other instrument or disposition in writing affecting the insurance moneys or any portion thereof, or of any appointment or revocation of a trustee, the insurer may deal with and obtain a valid discharge from the assured, or (as in the respective case may be) with and from his beneficiaries (such beneficiaries not being infants or under other incapacity), or with and from his trustees, executors, administrators or assigns in the same manner and with the like effect as if such declaration, apportionment, disposition, appointment or revocation had not been made.

Protection of  
insurer in pay-  
ing insurance  
before notice  
of declaration.

6.—(1) Sub-section 1 of section 38 of an Act passed in the 55th year of Her Majesty's reign and chaptered 39 is amended by striking out all the words of the said sub-section up to and including the word "only" in the first line thereof and substituting therefor the following words:—"This section shall not apply to corporations standing registered on the friendly society register, but shall apply."

55 V., c. 39,  
s. 38, sub-s. 1  
amended.

Application of  
section.

55 V., c. 39,  
s. 38, sub-s. 8  
amended.

(2) Sub-section 8 of the said section 38, as amended by section 10 of an Act passed in the 56th year of Her Majesty's reign and chaptered 32, is further amended by adding at the end of the said sub-section the following further proviso:—

Commutation  
of fees for  
registration of  
agents of in-  
surance cor-  
porations in  
certain cases.

“ Provided also that where it is shown to the satisfaction of the Inspector of Insurance that an insurance corporation standing registered on the insurance license register, but undertaking contracts of insurance with its own members only, cannot (owing to its organization on the lodge plan or to other special circumstances) register its agents individually, then upon payment to the Provincial Treasurer of such commuted fee as the Inspector of Insurance shall in writing under his hand certify to be in his opinion just and reasonable, and as shall be approved of by the Provincial Secretary, and upon an agent's certificate of registry being issued to the said corporation, the officers and the members of the said corporation and of its lodges, branches or divisions, if any (by whatever name known), shall be deemed to be severally registered as insurance agents of the said corporation within the meaning of this Act for the term mentioned in the said certificate.”

## CHAPTER 46.

## An Act respecting Building Societies

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 3 of section 2 of the Act intituled *An Act respecting Building Societies*, as amended by section 1 of the Act passed in the 56th year of Her Majesty's reign, chaptered 31, is hereby further amended by adding to the said sub-section 2, the following words, "but a district or provisional county united with another county for judicial purposes shall be considered for the purposes of this Act a part of the county with which it is so united; and this sub-section shall not apply to any permanent building society having paid up on account of permanent capital (not liable to be withdrawn therefrom) at least, one hundred thousand dollars."

Rev. Stat.  
c. 169 s. 2 and  
56 V, c. 3 s. 1,  
amended.

## CHAPTER 47.

An Act respecting the Expropriation of Lands of the Province by Railway Companies.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Crown lands not to be expropriated without consent of Lieut. Governor-in-Council.

1. Notwithstanding anything in any public or private Act to the contrary, no railway company shall have power to take or expropriate any lands of Her Majesty in the right of the Province of Ontario, without the consent of the Lieutenant-Governor-in-Council in that behalf.

Act incorporated with Revised Stat. c 170.

2. This Act shall be read with and form part of *The Railway Act of Ontario*.



## CHAPTER 48.

## An Act respecting Aid to certain Railways.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. There shall be granted out of the Consolidated Revenue Fund for the construction of the portions of railways herein-after mentioned, the sums following, that is to say : Grants to certain companies.

(1) To the Irondale, Bancroft and Ottawa Railway, from a point forty miles from Irondale, at the end of the portion of the railway to which aid was granted in 1894, and thence easterly for a distance of five miles, a cash subsidy of \$3,000 per mile. Irondale, Bancroft and Ottawa.

(2) To the Ontario, Belmont and Northern Railway, from a point near the junction of the Central Ontario and Canadian Pacific Railways, situated three miles south of the village of Marmora, in the township of Marmora in the county of Hastings, through the said township of Marmora to lot 19 in the first concession of the township of Belmont, in the county of Peterborough, a distance not exceeding ten miles, a cash subsidy of \$2,000 per mile. Ontario, Belmont and Northern.

(3) To the Pembroke Southern Railway, from a point on the Ottawa, Arnprior and Parry Sound Railway, at or near Golden Lake, thence north-easterly through the townships of Algona, Wilberforce and Alice in the county of Renfrew, a distance not exceeding fifteen miles, a cash subsidy of \$3,000 per mile. Pembroke Southern.

(4) The portion of the unearned subsidy for one and three-quarters of a mile in length of railway, and amounting to \$5,250, which was granted to the Parry Sound Colonization Railway in 1892, is transferred to the Ottawa, Arnprior and Parry Sound Railway, to assist in the construction of that line from the present end of the track at the easterly side of that portion of the inner channel of the Georgian Bay known Ottawa, Arnprior and Parry Sound.

as "Rose Point Narrows," across Parry Island, to the proposed terminus at Depot Bay, the aforesaid end of the track being situated forty-seven and three-quarter miles westward from Scotia on the line of the Northern Pacific Junction Railway; also that there be granted to the Ottawa, Arnprior and Parry Sound Railway, from the end of the section one and three-quarters of a mile in length, above referred to, to Depot Bay, a distance not exceeding two and one-quarter miles, a cash subsidy of \$3,000 per mile, and not exceeding in the whole the sum of \$6,750.

Application of  
52 V. c. 35,  
s. 2.

2. All the provisions of section 2 of chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign, respecting the option of substituting half-yearly payments for forty years in lieu of a cash payment, and all the conditions provided by section 3 of the said Act shall apply to the grants hereby made.

Conditions of  
grants.

3. The subsidies hereby granted shall be subject to the following conditions:

Information  
to be given to  
Commissioner  
of Public  
Works.

(1) Each of the said companies shall furnish such information as to the location and plans of passenger and freight stations on the line of its railway as may from time to time be required by the Commissioner of Public Works, and in every case payment of the said subsidies shall be subject to compliance with such directions as may be given by the Commissioner of Public Works from time to time for the erection of stations and the number of, and intervals at which stoppages shall be made, at such stations for the accommodation of the public.

Fire regula-  
tions.

(2) Every company to which aid is granted by this Act, shall comply with such regulations as may from time to time be made by the Lieutenant-Governor in Council for the protection from fire of the woods and forests adjoining the line of the railway.

Subsidies to  
lapse if not  
earned in five  
years.

4. So much of the subsidies granted to each of the said railways as is not earned within five years from the time of the passing of this Act, shall lapse and revert to the Consolidated Revenue Fund of the Province.

Land subsidy  
fund.

5. For the purpose of forming a subsidy fund there is hereby set apart so much of the lands of this Province belonging to the Crown as lie within the distance of ten miles on each side of those portions of the Irondale, Bancroft, and Ottawa Railway, and the Pembroke Southern Railway, to which aid is hereby granted, which land shall be sold and dealt with in the same manner as provided in sections 4 to 10 inclusive, of the said chapter 35 of the Acts passed in the 52nd year of Her Majesty's reign.

6. Whereas by the *Act respecting Aid to certain Railways*, Preamble passed in the 55th year of Her Majesty's reign, and chaptered 41, there was granted out of the Consolidated Revenue Fund to the Vaudreuil & Ottawa Railway Company a cash subsidy of \$2,000 per mile, and not exceeding in the whole the sum of \$100,000, to aid in the construction of fifty miles of the said railway, then constructed to the boundary line between the township of East Hawkesbury in this Province and the Province of Quebec, and being a continuation thereof westward from the said boundary line through the said township of East Hawkesbury and the townships of West Hawkesbury, Caledonia, Alfred, Plantagenet and Clarence, to the western limit of the township of Clarence, and to pass through or near the villages of Vankleek Hill, Alfred and Plantagenet, in the county of Prescott;

And whereas by another *Act respecting Aid to certain Railways*, passed in the 56th year of Her Majesty's reign, and chaptered 34, there was granted out of the said Consolidated Revenue Fund as follows: (4) To the Central Counties Railway Company (in lieu of the subsidy of \$100,000, granted to the Vaudreuil and Ottawa Railway Company, as aforesaid), from Hawkesbury on the Ottawa river southerly through or near Vankleek Hill, and thence westerly and southwesterly through or near Caledonia Springs, Alfred and Clarence Creek to South Indian, a village on the line of the Canada Atlantic Railway, a distance not exceeding forty-six miles, a cash subsidy of \$2,000 per mile; and (5) the said grant to the Vaudreuil & Ottawa Railway Company of the said subsidy of \$100,000 was repealed; Provided that the said two sub-sections (4) and (5) were not to take effect for one month after the passing of the now-reciting Act, nor if the Canadian Pacific Railway Company should within that time, or within such further time as the Lieutenant-Governor in Council might allow, enter into a contract with such persons or bodies as the Lieutenant-Governor in Council might name for the purpose, and should make arrangements for the prompt building of the said Vaudreuil and Ottawa Railway, at and by the route contemplated in the former of the two Acts mentioned, with any modifications and conditions which the Lieutenant-Governor in Council might approve;

And whereas the Lieutenant-Governor in Council did extend the time allowed as aforesaid, but the said Canadian Pacific Railway Company did not comply with the conditions of the grant to that company;

And whereas the Central Counties Railway Company built the road between Vankleek Hill and Hawkesbury, about seven miles, and between Clarence Creek and South Indian, about ten miles, before the end of the extended time allowed to the Canadian Pacific Railway Company by the Lieutenant-Governor in Council;

And

And whereas the said Central Counties Railway Company has not built any part of the road from Vankleek Hill to Clarence Creek, and does not possess, and has not provided, the means for building the same or any part thereof ;

And whereas it is stated that in the course of building the road between Clarence Creek and South Indian, and also between Vankleek Hill and Hawkesbury, many persons earned wages, and others furnished supplies, in and for the building of the said railway, and the debts thereby incurred have not been paid, and cannot be recovered from the company, their contractors or sub-contractors owing the same, they having no means to pay, and it is just to appropriate to the payments of the said debts the subsidy payable in respect of said railway, without prejudice to any question between any parties as to the right to the said money, or to the said subsidy or any part thereof.

Application of  
grant formerly  
made to Cen-  
tral Counties  
Railway.

(1) The Lieutenant-Governor or any person appointed by him in this behalf, is therefore empowered to decide finally what persons are to receive payment, and what sums are to be paid to the creditors in respect of the matters aforesaid, and the same may be paid accordingly not exceeding the said sum of two thousand dollars per mile for the said seventeen miles.

Right to re-  
ceive grant  
not admitted.

(2) Nothing in this Act shall be construed as admitting the legal right of the said company to the money so to be paid, or to the subsidy or any part thereof ; and so much of the said Act secondly hereinbefore mentioned as grants a subsidy to the Central Counties Railway Company to the road westerly from Vankleek Hill to Clarence Creek, is hereby repealed.



## CHAPTER 49.

## An Act to amend The Electric Railway Act, 1895.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 51 of *The Electric Railway Act, 1895*, is amended <sup>58 V., c. 38, s. 51 amended.</sup> by striking out the words, "the shares shall be sold for cash to the highest tenderer at or above par," in the ninth and tenth lines in the said section, and inserting in lieu thereof the words, "the shares shall be sold by the company for cash to the highest tenderer at or above the minimum price fixed for the purpose of such sale, by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting or special meeting called for the purpose."

2. Sub-section 9 of section 43 of the said Act is amended by <sup>58 V., c. 38, s. 43, sub-s. 9. amended.</sup> striking out the words, "capital stock of the company actually paid up in cash," in the fourth and fifth lines of the said subsection, and inserting in lieu thereof the words, "amount actually paid up in cash on the capital stock of the company."

3. Sub-section 10 of the said section 43 is amended by <sup>58 V. c. 38, s. 43, sub-s. 10, amended.</sup> striking out the words, "capital stock of the company actually paid up in cash and," in the sixth and seventh lines of the said subsection, and inserting in lieu thereof the words, "amount actually paid up in cash on the capital stock of the company."

4. Sub-section 11 of the said section 43 is amended by <sup>58 V. c. 38, s. 43, sub-s. 11, amended.</sup> striking out the words, "stock of the company," in the fifth line of the said subsection, and inserting in lieu thereof the words, "capital stock of the company then issued and outstanding."

## CHAPTER 50.

## An Act to make further provision respecting Street Railways.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Application  
of Act.

Rev. Stat.  
c. 171.

Rev. Stat.  
c. 157.

1. Every street railway hereafter incorporated by letters patent under the authority of *The Street Railway Act* shall be subject to the provisions of this Act, as well as of *The Ontario Joint Stock Companies' Letters Patent Act*, so far as the provisions of the latter are not inconsistent with those of this Act.

“Working ex-  
penses,”  
meaning of.

2. The expression “working expenses,” where it occurs in this Act, shall mean and comprise all expenses of maintenance of the railway, and of the buildings, works and conveniences belonging thereto, and of the rolling and other stock and movable plant used in the working thereof, and all reasonable and necessary renewals of the same, and also all reasonable rents for property, also all usual expenses of or incidental to the working of the railway and the traffic thereon, including stores and consumable articles; also rates, taxes, insurance and compensation for accident or losses, also all proper salaries and wages and office and management expenses, directors' fees and legal and other like expenses; also all moneys owing by the company for any of the above items of expenses; also interest on mortgages or debenture indebtedness, also a sum not exceeding five per cent. per annum of the total mortgage or debenture indebtedness of the company to be placed to the credit of a special account as a sinking fund for the purpose of extinguishing such indebtedness.

Powers.

Production  
and use of  
electricity.

3. The directors of the company shall have power:

(1) To construct, maintain and operate works for the production of electricity for the motive power of the said railways,

and

and for lighting and heating the rolling stock and other property of the company.

(2) To enter into an agreement or agreements with any other company or companies, if lawfully authorized to enter into such agreements, or with any person or persons, for leasing, hiring or use of any electric motors, carriages, cars, rolling stock, and other movable property from such companies or persons for such time or times and on such terms as may be agreed on; and also to enter into agreements with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the electric motors, carriages, cars, rolling stock and other moveable property of the other or others of them, for the running of the cars or carriages of the company over the track of any other railway company with the consent of such company, on such terms as to compensation and otherwise as may be agreed upon.

Agreements with other companies for leasing or hiring rolling stock.

(3) To enter into an agreement or agreements with any person or company for supplying steam or other power for the production of electricity for the purposes of the railway or with any electric light or electric railway company, or any company or companies organized for the purpose of supplying or furnishing electric power, for the purchase, leasing or hiring of power to run their electric motors, carriages or cars, or for lighting or heating the same, or for any other purpose for which it may be required by the said company to construct, carry on and operate the railway.

Agreement with electric light companies.

(4) The prices to be paid by the company under and by virtue of any such agreement as in the last two sub-sections mentioned shall be reasonable in amount, but such agreement shall not be valid unless confirmed and approved by a resolution passed by the votes of shareholders in person or by proxy representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering such agreement.

Confirmation of agreement by shareholders.

(5) To purchase, lease or acquire by voluntary donation, and to hold for any estate in the same, and to sell, lease, alienate or mortgage any lands or premises intended, and necessary, or suitable for park or pleasure grounds, not exceeding 100 acres in any one municipality; and to improve and lay out such lands as parks or places of public resort, and to make and enter into any agreement or arrangements with the municipal corporations of the municipalities wherein the same are situate, or any of them, in respect thereto; subject, however, to the power of the municipality to pass by-laws to regulate the use of such public parks and pleasure grounds;

Power to acquire lands for parks, etc.

Provided that none of the foregoing provisions of this sub-section shall be in force or have effect unless or until said municipal council or councils of the municipality or municipalities

Proviso.

palities wherein the lands proposed to be acquired by the company are situate, shall by by-law have declared its or their assent to the company acquiring lands under and for the purpose mentioned in this sub-section ;

Proviso. Provided that such park or pleasure grounds shall not be open to the public on the Lord's day ;

Proviso. Provided that the total acreage of lands acquired by the company for park purposes shall not exceed 300 acres ;

Proviso. Provided that the company shall not under this clause have power to acquire any lands after the lapse of four years from the date of its incorporation ;

Proviso. Provided that nothing in this sub-section contained shall be deemed to enable the company to carry on the general business of a land company.

Guard wires. (6) The company when operating any portion of its line across or along a highway by means of electricity conveyed by wires above ground shall cause to be strung and maintained guard wires sufficient to prevent telegraph, telephone or other wires now or hereafter strung across or along the highway, from coming into contact with or falling upon the said wires conveying such electricity.

Protecting water pipes, etc., from injury by electricity. (7) The company when operating any portion of its line by means of electricity, shall use such means and appliances as may as far as may be reasonably possible, prevent water pipes, gas pipes, cables and other things now or hereafter placed underground from being damaged in consequence of the escape or discharge of electricity into the ground. Proper bonding of the rails and connecting the rails so bonded to the electric power generator or generators with a proper and efficient system of return wires shall be taken to be a compliance with the conditions of this sub-section. This sub-section shall apply to all existing street railways.

Right of action. (8) Any person suffering damage by reason of the non-compliance by the company with the provisions of the two preceding sub-sections, shall have a right of action against the company therefor.

Contracts for construction and equipment. 4. The company may enter into a reasonable contract or reasonable contracts with any individual or association of individuals for the construction or equipment of the railway or any part thereof, provided that no such contract shall be of any force or validity till sanctioned by a resolution passed by the votes of shareholders (in person or by proxy) representing two-thirds in value of the whole amount paid up on the total capital stock of the company then issued and outstanding at a general meeting of shareholders specially called for the purpose of considering the agreement or agreements.

Officers of company not to be directors. 5. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the



the company, shall be capable of being chosen a director, or of holding or continuing in the office of director, nor shall any person being a director or promoter of the company enter into or be directly or indirectly interested or concerned in or participate in the profit of any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company; and in the event of any such contract being made by or on behalf of any director or promoter, an action shall lie in any court of competent jurisdiction against such director or promoter at the suit of any shareholder of the company or of any municipality through which any part of the railway passes, for the benefit of the funds of the company for the whole amount of profit accruing to such director or promoter from the contract so made or fulfilled.

Provided that the directors may with the consent of the Proviso. shareholders, employ one of their number as managing director.

6. The directors may be paid such reasonable remuneration Remuneration of directors. for their services for their year of office as may be sanctioned by the shareholders by resolution passed at the annual general meeting to be held for the purpose of electing the successors of such directors.

7.—(1) The “first issue of stock” shall mean all stock sub- “First issue of stock.” scribed for prior to the first meeting of the directors for the transaction of any business relating to the company, and upon which at least ten per cent. has been paid in within the said period.

(2) After the first issue of stock as hereinbefore defined, any Disposing of unissued or forfeited shares. unissued or forfeited shares in the capital stock of the company shall be issued and sold only after a day and time fixed for receiving tenders of price for the same, of which public notice shall be given by at least four insertions in any newspaper published in or nearest to the municipality in which the head office of the company is situate, and in or nearest to each and every municipality through or in any part of which it is proposed to construct the railway. The shares shall be sold by the company for cash to the highest tenderer at or above the minimum price fixed for the purposes of such sale by a vote of the shareholders representing two-thirds in value of the capital stock, voting in person or by proxy, passed at a general meeting specially called for the purpose. Provided that the directors, if authorized so to do by a vote of the shareholders representing two-thirds in value of the capital stock voting in person or by proxy, passed at a general meeting specially called for the purpose, may in their discretion exclude any one or more of such tenderers if in their judgment such exclusion would best promote the interests of the undertaking.

Shares to be subject to be paid in cash.

(3) Every share in the company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash.

Payment of calls how to be made.

(4) Every shareholder shall be liable to pay the amount of any call made in respect of the shares held by him in cash.

Rev. Stat. c. 157.

(5) Provided that notwithstanding anything in *The Joint Stock Companies' Letters Patent Act* or in any other Act of this Legislature, the shares in the company shall be sold and disposed of in the manner and upon the terms prescribed in this section.

Shareholders individually liable till shares paid up.

8. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities of the company, and until the whole amount of his stock has been paid up in cash; but shall not be liable to an action therefor before an execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Capital stock.

9. The capital stock of the company shall be divided into shares of \$100 each, and the money raised therefrom and all other moneys and property of the company shall be applied in the first place, to the payment of such reasonable fees, expenses and disbursements for procuring the letters patent as the shareholders at the first general meeting of the company shall by resolution sanction and approve of, and for making the plans and estimates of the works authorized; and all the remainder of such moneys shall be applied to the making, equipping, completing and maintaining of the said railway, and other purposes of the undertaking.

Company not to take stock in other companies.

10. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company.

Sale of bonds

11. Any of the bonds, debentures or other securities of the company sold by the directors shall be sold at the best price and upon the best terms and conditions which at the time they may be able to obtain for the purpose of raising money for prosecuting the said undertaking, but they may pledge the said bonds, debentures or other securities for the purpose of procuring the rails, fish plates and electric plant necessary for the undertaking.

Limit as to application of receipts of company.

12. The tolls and fares to be levied by the company shall be as nearly as possible so fixed and regulated, that after paying "working expenses," the balance of the annual receipts shall not exceed eight per cent. (or \$8 on every \$100) on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; and if in any year the gross receipts

receipts from tolls and from fares and from all other sources arising from the working, operating or carrying on of the railway and works and business authorized by the letters patent to be worked, operated or carried on by the company shall be such, that after deducting therefrom the "working expenses" there shall remain an amount exceeding eight per cent. of the total amount theretofore actually paid up in cash on the capital stock of the company then outstanding, then all such excess shall be placed to the credit of a special account to be called "the surplus tolls account;" provided that in no case shall the fares exceed the maximum rates prescribed by *The Street Railway Act*.

Rev. Stat.,  
c. 171.

**13.** The moneys at the credit of the "surplus tolls account" may be used from time to time in making good any deficiency if such there be, caused by the gross receipts of the company, in any subsequent year being insufficient to pay the "working expenses" and a dividend of eight per cent. (or \$8 on every \$100) on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding; provided that, whenever, and so often as the same shall happen, the total amount, to the credit of "the surplus tolls account," including any interest accruals thereon, shall equal one-fifth of the average annual gross receipts of the company computed from the actual receipts for the then preceding five years, the company shall by by-law make a sufficient proportionate reduction in the tolls and fares so that the probable net earnings thereafter shall be such as to make it necessary to resort to the moneys at the credit of "the surplus tolls account," in order to meet any such deficiency in whole or in part, but as soon as the amount at the credit of "the surplus tolls account" is exhausted the rates and tolls may be again raised.

Application of  
"surplus tolls

**14.** Provided that if during the ten years immediately succeeding the incorporation of the company, the gross receipts as aforesaid shall in any year be insufficient after paying the "working expenses" of the railway, to pay a dividend of five per cent. on the total amount actually paid up in cash on the capital stock of the company then issued and outstanding, the company may charge against "the surplus tolls account" an amount sufficient, after deducting any dividends earned during such year, to equal a dividend of five per cent. per annum on the total amounts so actually paid up as aforesaid on the stock of the company, and the company shall not be bound to reduce the tolls as hereinbefore provided until the amount at the credit of the "surplus tolls account" shall equal an amount sufficient, less any dividends earned during the year, to pay the said dividend of five per cent. in every such year during the said period of ten years in addition to one-fifth of the average annual gross receipts of the company computed as aforesaid.

Charging  
unearned  
dividends  
upon surplus  
tolls account.



## DIVIDENDS.

**Declaration of dividend.** **15.—(1)** At the annual general meeting of the shareholders of the undertaking, from time to time holden, a dividend shall be made, out of the clear profits of the undertaking, unless such meetings declare otherwise.

**Division of profits.** (2) Such dividends shall be divisible among the shareholders in proportion to the amounts paid up in cash upon the shares held by them respectively.

**Dividends, how payable.** (3) Dividends shall be payable only in cash, and no division of profits in any one year, either by way of dividends or bonus, or both combined, or in any other way, exceeding eight per cent. (or \$8 on every \$100) actually paid up in cash on the capital stock of the company, from time to time issued and outstanding, shall ever be made, declared or paid by the company.

**Dividends not to impair the capital.** (4) No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

**Application of annual revenue.** (5) No part of the annual revenue of the company shall be applied to expenditure on capital account or otherwise than as by this Act prescribed, and all moneys received in payment for shares or as proceeds of mortgages, bonds, debentures or other securities sold by the company shall be applied and expended for the purposes of the undertaking as in this Act prescribed and not otherwise.

**Directors to cause annual accounts to be kept.** **16.** The directors shall cause to be kept, and annually, on the 31st day of December, shall cause to be made up and balanced, a true, exact, detailed and particular account of all moneys and revenues collected and received by the company, or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the making, equipping, completing, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or of the directors, and shall file a certified copy of the same with the Provincial Secretary, together with a statement showing the amount of the capital stock issued, and the amount actually received in cash for the same, and the amount, if any, still unpaid thereon and the amount of dividends paid or declared during such year, and the amount on the last day of such year and of the preceding year at the credit of the surplus tolls account. This account shall be filed on or before the last day of January in each year. And if the same as filed is, in the opinion of the Provincial Secretary, not sufficiently full, detailed or explicit, the directors shall furnish and file such other accounts and information as to the company's gross receipts, working

expenses



expenses and other expenses, and any other matters and things generally relating to the receipts, expenditures and capital of the company as may from time to time be demanded by the Provincial Secretary, and within a reasonable time after any such demand; and if any default shall be made in the filing of the said annual account or said further account, the company shall, besides being compellable to file the same, be liable to a penalty of one hundred dollars, to be enforced in the High Court of Justice at the suit of any municipality through which the railway passes, and one-half of which said penalty shall belong to Her Majesty, and the other half to the said municipality.

17. Aliens, and companies incorporated<sup>d</sup> abroad, as well as British subjects and corporations, may be shareholders in the company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible for office as directors in the said company.

Rights of  
aliens.

18. Section 23 of *The Street Railway Act* is hereby repealed.

Rev. Stat., c.  
171, s. 23,  
repealed.

19. Every mechanic, laborer, or other person who performs labor for wages upon the construction or maintenance of the railway or the works connected therewith, shall have upon the said railway and other property of the company a lien for such wages not exceeding the wages of thirty days or a balance equal to his wages for thirty days, and the said lien may be enforced in the manner provided for enforcing liens for wages by *The Mechanics' Lien Act* and the Acts amending the same

Lien for wages

Rev. Stat.  
c. 126.

20. If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are interested, then, in addition to all other remedies by law enforceable against the company, the council of any municipality through which any part of the railway passes may, in the name of the municipal corporation, bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of, and complying with such provisions; and the court shall have full power and jurisdiction in the premises, and to set aside or otherwise relieve against unreasonable agreements made in violation of all or any of the provisions of this Act, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this Act, in the observance or enforcement of which any shareholder or the residents of the municipality are inter-

Powers of  
High Court as  
to controlling  
companies  
relieving  
against agree-  
ment.

ested,

ested, and in particular those relating to tolls and fares, to capital, to directors, to dividends, to returns, and to the agreements mentioned in sub-sections 2, 3 and 4 of section 3 of this Act.

Rev. Stat., c.  
157, not to  
apply where  
inconsistent  
with this Act.

21. Any of the provisions of *The Ontario Joint Stock Companies' Letters Patent Act* or of any Act amending the same inconsistent with the provisions of this Act, shall not apply to any company incorporated hereunder.

## CHAPTER 51.

## The Municipal Amendment Act, 1896.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 1 of section 22 of *The Consolidated Municipal Act, 1892*, is amended by inserting after the word "taxation" in the sixteenth line thereof the words "assessment, improvements," and by adding at the end of said sub-section 1 the following words: "And the Lieutenant-Governor in Council may also by such proclamation provide that the territory so added or to be added to the city or town shall, for a period of time to be mentioned in the proclamation, continue to form part of the electoral division for the purposes of elections to the Legislative Assembly of which it had theretofore formed a part."

55 V. c. 42, s. 22, sub-s. 1, amended.

Adding territory to city or town.

2. The said Act is amended by inserting therein the following as section 110a.

55 V. c. 42, amended.

110a. Notwithstanding anything in sections 109 and 110 of this Act contained, the council of any township not divided into wards, may by by-law provide that the nomination for reeve, deputy reeve and councillors, may be held at one o'clock in the afternoon, and the council of any township divided into wards, may by by-law provide that the nominations for councillors may be held at one o'clock in the afternoon instead of at the hours and times in the said sections mentioned.

Hour for holding nominations of councillors in townships.

3. Section 155 of the said Act, is hereby amended by adding after sub-section (3) thereof the following as sub-section (3a):—

55 V., c. 42, s. 155, amended.

(3a) In cities and towns each deputy returning officer shall, as soon as the duties enumerated in sub-sections (1) and (2) of this section shall have been performed, or in case of his illness or inability as aforesaid, the person chosen by him shall forthwith

Duties of deputy returning officers as to returning ballots, etc., to clerk.

proceed

proceed directly from the polling place to the office of the clerk of the municipality with the ballot box and the said packets, and there deliver the same, personally, and forthwith on the same day, and as soon as is possible after leaving the polling place, to the clerk of the municipality; and no deputy returning officer in a city or town shall under any circumstances take the ballot box or packets, or allow the same to be taken to his home, or house, or office, or place of business, or to any house or place whatsoever other than the office of the clerk of the municipality. And for any breach of the provisions of this sub-section a deputy returning officer shall incur the penalties provided in sections 167 and 168 of this Act. The returning officer shall remain at his office on the evening of polling day until the said boxes have been so returned to him. Nothing in this subsection shall prevent any deputy returning officer from doing what shall be necessary to make the declaration provided for in sub-section 2 of this section.

55 V. c. 42 s.  
167 subs. 1,  
amended.  
Personation.

4.—(1) Sub-section (e) of sub-section 1 of section 167 of the said Act is amended by adding thereto, after the word "name" in the sixth line thereof, the following words, "or advise or abet, counsel or procure any other person so to do."

55 V. c. 42 s.  
210 subs. 2, re-  
pealed.

(2) Sub-section 2 of section 210 of the said Act is hereby repealed.

55 V., c. 42 s.  
198a,  
amended.

5. *The Consolidated Municipal Act, 1892*, is amended by inserting therein the following as section 198a.

Where elec-  
tion has been  
declared in-  
valid owing to  
refusal to per-  
mit qualified  
persons to  
vote.

198a.—(1) In any case where an election has been held invalid owing to the improper refusal of the returning officer or deputy returning officer to receive ballots tendered by duly qualified electors, or to give ballot papers to duly qualified electors, the judge may, in his discretion, order the costs of the proceedings to unseat the person declared elected, or any part thereof or any other costs, to be paid by the respondent or by such returning officer or deputy returning officer.

(2) Nothing in this section contained shall affect any right of action against such returning officer or deputy returning officer nor be deemed to relieve such returning officer or deputy returning officer from any penalty to which he may be liable under the provisions of this Act.

55 V. c. 42, s.  
223, amended.

6. Section 223 of the said Act is hereby amended by striking out the word "third" in the third line thereof and substituting therefor the word "second."

55 V. c. 42, s.  
284, amended.

7. Section 284 of the said Act is hereby amended by adding at the end thereof the following words: "But no council of any local municipality shall, after the 31st day of December in the



year for which the members were elected, pass any by-law or resolution for the payment out of money or which involves directly or indirectly the payment of money, nor shall they enter into any contract or obligation on the part of the municipality, nor appoint to or dismiss from office any officer under the control of the council, or do any other corporate act after said day except in case of extreme urgency. But the council may do any necessary business before the 31st day of December, which may, having regard to the circumstances be done at such time, and which by this Act they are now authorized to do at their last meeting.

Certain acts not to be done by councils after 31st December.

8. The following shall be added to said Act as section 405a :— 55 Vict. c. 42, amended.

405 (a) The coupons attached to every such debenture issued by any municipal corporation other than a city shall each be signed by the head of the municipality and the treasurer of the corporation. Execution of debenture coupons.

9. Sub-section 2a of section 436 of the said Act as amended by section 11 of *The Municipal Amendment Act, 1893*, is amended by adding at the end thereof the following :— 55 V. c. 42, s. 436, sub-s. 2, amended.

“ And may pass by-laws for regulating the hours of labor of persons employed in livery or boarding stables, and by the owners of horses, cabs, carriages, carts, trucks, sleighs, omnibusses and other vehicles kept for hire within the said city, and for licensing drivers of cabs within the said city.” Regulating hours of labor in livery stables, etc.

10. The following shall be added to section 444 of the said Act, as sub-section 1 :— 55 V., c. 42, s. 444, amended.

(1) The council may in its discretion appropriate any sum necessary and pay for the protection, defence or indemnification of members of the police force in proper cases, where suits or prosecutions are brought against such members of the force, and costs are necessarily incurred and damages recovered, and where the Board of Commissioners of Police certify to the council that the case is a proper one for such payment or indemnity. Indemnifying police officers.

11. Sub-section 15 of section 479 of the said Act is amended by striking out all that portion thereof after the word “land” in the seventh line and substituting therefor the following words :—“in or adjacent to the municipality for the purpose of providing an outlet for any sewer or of establishing works or basins for the interception or purification of sewage and for making all necessary connections therewith, but subject always to the payment of compensation to persons who may suffer injury therefrom and to any restrictions and liabilities imposed by this Act in that respect or otherwise.” 55 V., c. 42, s. 479 sub-sec. 15, amended.

55 V. c. 42 s. 481, amended. **12.** Section 481 of the said Act is amended by adding thereto the following sub-section:—

Rewards for  
detection of  
personators.

(2) The council of any municipality may offer and pay a reward or rewards for the discovery, apprehension and conviction of any person or persons guilty of personation, as defined in this Act.

55 V., c. 42,  
s. 487, sub-s. 1  
amended.

**13.** Sub-section 1 of section 487 of the said Act is amended by inserting the words “or town” after the word “city” where it occurs in the fifth and eleventh lines of the said sub-section.

55 V. c. 42, s.  
489, subs. 1,  
amended.

**14.** Sub-section 1 of section 489 of the said Act is amended by adding thereto the following as paragraph (d):

Polling places.  
Uniting  
polling sub-  
divisions.

(d) The council of any city having a population of over 100,000 may, by by-law, amalgamate, for voting at municipal and school trustee elections and upon questions submitted to the electors by the council, two polling sub-divisions into one division, with one polling place therefor, and may by such by-law provide that three or less of such polling places shall be in a public school house or public building belonging to or controlled by the municipality in, or conveniently near to, such polling sub-divisions; and where any school house shall be so used the council shall forthwith pay to the public school board a sufficient sum to cover any damage to the same and any expense for cleaning or otherwise caused by such use. But no such school house shall be so used or taken without the consent first had and obtained of the board of school trustees.

The board of police commissioners or the chief of police for such city shall cause a police constable to attend at each such polling place in a school house or public building where an election is being held, to perform the duties required by this Act of a constable appointed for that purpose by the returning officer.

55 V., c. 42 s.  
489 subs. 38,  
amended.  
Arrests for  
drunkenness.

**15.** Sub-section 38 of said section 489, as amended by the 23rd section of *The Municipal Amendment Act, 1895*, is hereby further amended by striking out the words “in any case where it is so far as known to said officer or other member of the police force a first or second arrest for such offence,” in the seventh and eighth lines thereof.

55 V. c. 42 s.  
495 subs. 3,  
amended.  
License fee  
for hawkers  
and pedlars.

**16.** Sub-section 3 of section 495 of the said Act is amended by inserting the word “pedlars” after the word “hawkers” in the first line thereof; and by inserting after the words “silverware,” where they occur in the fourth line of paragraph (a), the words “furniture, carpets, upholstery and millinery”; and by adding after the word “force” in the ninth line of the said sub-section the following words, “which license fee for a city of over 100,000

100,000 inhabitants shall not be more than \$50 for a two-horse wagon, \$30 for a one-horse wagon, \$15 for a push-cart and \$1 for one carrying a basket."

17. Sub-section 6 of section 503 of the said Act is hereby amended by adding thereto the following words:—"Provided always, that farmers and other producers may sell such produce and articles at stores and shops in the municipality at any hour of the day." 55 V. c. 42, s. 503 subs. 6, amended

18. The paragraph commencing with the word "Firstly" in section 505 of the said Act is amended by striking out the words "three months" in the seventh line thereof, and substituting therefor the words "one month." 55 V., c. 42, s. 505, amended.

19. Section 525 of the said Act is hereby amended by inserting therein immediately after the word "law" in the third line thereof the words: "And every road allowance reserved under original survey along the bank of any stream or the shore of any lake or other water." 55 V., c. 42, s. 525, amended.  
Freehold of certain road allowances vested in Crown.

20.—(1) Sub-section 1 of section 531 of the said Act, as amended by section 13 of *The Municipal Amendment Act, 1894*, is further amended by adding therein immediately after the word "accident" in the 12th line of said section 13 the words "when the action is against a township, and within seven days when the action is against a city, town or incorporated village," and by striking out of said section 13 all the words thereof after the words "maintenance of the action" where they appear in the 14th line thereof. 55 V. c. 42 s. 531, sub-s. 1, amended.

(2) The amendments provided for by sub-section 1 of this section shall apply to and affect causes of action only which shall arise or accrue after the passing of this Act, and shall not apply when the accident has occurred, or the injury has been received, or the damages have been sustained prior to the coming into force of this Act, nor shall it apply to or affect pending litigation.

21. The following shall be added to section 531 of the said Act as sub-section 8 thereof:— 55 V. c. 42, s. 531, amended

(8) In any case where an action may be brought against a municipal corporation by any person who has suffered damage by reason of the default by the municipality in keeping any public road, street, bridge or highway in repair as provided by sub-section 2 of this section, no action shall be brought in respect of, or to recover such damage, or any part thereof, against any member of the council, officer, or employee of the municipality personally, but the remedy shall be, lie and be had wholly against the municipality; but nothing in this sub-section contained shall apply to or affect pending litigation or

prevent



prevent any action from being brought or maintained by any municipality against any officer or employee for negligence or misconduct, or for any act of omission or commission in breach of his duty as such officer or employee. Where any such action has heretofore been brought against any such officer, member or employee, the municipality may assume the same or the defence thereof, and may pay any damages or costs for which such officer, member or employee may be or has become liable in respect thereof; this sub-section shall not extend to or include a mere contractor with the corporation, nor any such member of council, officer or employee who is such contractor, and by reason of whose act or neglect the damage was caused.

Corporation not responsible for acts of certain others in non-repair of highways.

**22.** Nothing contained in section 531 of the said Act shall cast upon a municipal corporation any obligation or liability in respect of acts done or omitted to be done by persons, companies or corporations, other than such municipal corporation, acting in the exercise of powers or authorities conferred upon them by law, and over which such municipal corporation has not control, when the municipal corporation is not a party to such acts or omissions and when the authority under which such persons, companies or corporations have acted or shall act is not by by-law, resolution or license of the municipality.

55 V. c. 42, s. 533, amended.

Maintenance, etc., of roads in local municipalities by county councils.

**23.** Section 533 of the said Act, is hereby amended by adding thereto the following sub-section.

(a) Any county council may, at the expense of the county, make, maintain or improve any township, town or village road or highway which runs into any county road, and may grant such sum or sums from time to time for the said purpose, as they may deem expedient.

55 V. c. 42, s. 546, amended.

Approval by Lieutenant-Governor of by-laws affecting certain highways.

**24.** Section 546 of the said Act is hereby amended by adding thereto the following sub-section:—

3.—(a) In the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water any such by-law shall not have, force or effect until after the approval thereof by the Lieutenant-Governor in Council.

55 V. c. 42, s. 550, amended.

**25.** Section 550 of the said Act is hereby amended by adding to sub-section 9 thereof the following:—

“But, in the case of road allowances reserved under original surveys along the bank of any river or stream or the shore of any lake or other water, such by-law shall be of no effect unless and until the same shall have received the sanction of the Lieutenant-Governor in Council.”



**26.** Section 554 of the said Act is hereby amended by adding thereto the following sub-section. 55 V., c. 42, s. 554, amended.

(b) The council of any county municipality, may pass by-laws for granting aid to any town, township or village municipality in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication passing from or through any township, town or village municipality into a county road. Aid to local municipalities for construction or maintenance of road.

**27.** Section 566 of the said Act is hereby amended by adding thereto the following sub-section. 55 V., c. 42, s. 566, amended.

(8) For granting to any town, township or incorporated village in the county, aid towards improving any road, street, bridge or other public communication running into any county road of the county within which such local municipality is situate. Aid towards road improvements in local municipalities

**28.**—(1) Section 613 of the said Act is amended by striking out all the words after the word “property” in the third line of the first sub-section thereof and inserting in lieu thereof the words “immediately benefitted by such work or improvement.” 55 V. c. 42, s. 613, subs. 1, amended.

(2) Sub-section 5 of section 618 of the said Act is amended by adding thereto the following words: 55 V. c. 42, s. 618, s-s. 5 amended.

Provided always that the said county judge shall not have the power, in case the assessment is duly made in accordance with a by-law for ascertaining and determining what real property is immediately benefitted by such work or improvement, to interfere therewith or alter the same unless and only so far as upon the evidence he finds them untruly measured, or by reason of other lands benefitted being brought into the scheme or assessed therefor or the proportion of assessment of corner lots, triangular or other irregular pieces of land situate at the inter-sections or junctions of streets, on appeal to him has to be modified or the share to be borne by the municipality in his judgment should be changed, or unless he shall find that the property in respect of which an appeal is brought cannot, from, its situation be benefitted by such work or improvement, and then in each such case shall only interfere with or alter the assessment of the said lineal frontage so far as necessary to carry into effect any of the changes his judgment makes in that regard. County judge on appeals to him to be restricted by by-law fixing method or ascertaining property liable.

**29.** Sub-section 6 of section 618 of said Act is amended by adding thereto the following words, “And it shall not be necessary to submit to another court of revision the by-law for the actual cost of the work or improvement when such actual cost does not exceed the estimated cost as submitted to the court of revision by more than ten per cent. and where the 55 V. c. 42 s. 618 sub-s. 6, amended.

Local improvements.

proposed

proposed assessment has been regularly brought before a court of revision and the county judge, in case there has been an appeal to such county judge, and the municipality has in force therein a by-law passed under the provisions of section 615 of this Act."

Seizure of cattle, etc., unfit for human food.

**30.** In cities of over 100,000 inhabitants the council may pass by-laws for authorizing the seizure of unslaughtered cattle, sheep, calves and hogs that have died on any railway car, or on any market, or within the municipality, in order to prevent such animals from being used as food, and for disposing of the carcasses of such animals in such a way as not to produce any harm to the public health, and to secure to the owner such value as remains over and above the expenses incurred in disposing of such carcasses.

Transferring licensing powers from council to police commissioners.

**31.—(1)** In cities of over 100,000 inhabitants, the police commissioners of such cities shall have the powers which are now possessed by the municipal council so far as they relate to licensing, regulating and governing persons keeping intelligence offices, transient traders, hawkers, pedlars or petty chapmen, auctioneers, owners of exhibitions of wax works, menageries, circus riding and other such like shows usually exhibited by showmen, roller skating rinks and other places of like amusement, exhibitions held or kept for hire or profit, bowling alleys and other places of amusement, persons who for hire or gain keep billiard or bagatelle tables, victualling houses and all other places for lodging, reception, refreshment or entertainment of the public, owners and keepers of stores and shops where tobacco, cigars or cigarettes are sold, milk vendors, bill posters, and to pass by-laws to prevent the running at large of dogs and to provide for the killing of dogs running at large; and such police commissioners shall have full power to license, regulate and govern each person engaged in any of the businesses or employments hereinbefore set out, whether the full power to license, regulate and govern was heretofore possessed by such municipality or not, but the council shall continue to have the power to fix the fees to be paid for such licenses, and any moneys derived from such licenses are to be handed over by the police commissioners to the treasurers of such cities to form part of the revenue thereof.

(2) The said police commissioners shall have the like powers in respect of any such business, as is now possessed by the municipal councils in reference to auctioneers under section 8 of *The Municipal Amendment Act, 1894*.

57 V. c. 50.

Setting apart streets for fast driving.

**32.** In cities of over 100,000 inhabitants, the council there- of may by by-law set apart a street or streets on which horses may be driven or ridden more rapidly than is permitted upon the other streets of the city, and may from time to time pass

by-laws

by-laws for regulating and governing the use of such streets for the aforesaid purposes. But if a majority of the property owners on any such street petition against such by-law, it shall be repealed.

**33.**—(1) In cities having a population of 100,000 or over there shall be a Board of Control to consist of the mayor and three aldermen, three of whom shall form a quorum. Such three aldermen shall, for the present year, be elected by the council at the second meeting after the passing of this Act, or in case of failure to elect at such meeting then within one week thereafter, and in subsequent years at the first meeting of the council for the year, or in case of failure to elect at such meeting then within one week thereafter.

Constitution of board of control in cities of 100,000.

(2) Upon the election of the said three members of the Board of Control the names of all the candidates shall be submitted to the council and be balloted for at the same ballot, and each member of the council shall for the purpose of such election be entitled to as many votes as there are candidates to be elected, but he shall not give to one candidate more than one vote.

Voting upon election of board.

(3) The mayor when present shall preside at the meetings of the board, and in the absence of the mayor the board shall select one of their number to preside. In the event of a tie at the board the mayor shall have a second and casting vote.

Who to preside at meetings of board.

(4) The council may fix by by-law the salaries to be paid to the members of the Board of Control, but the same shall not exceed for each member the sum of \$700 per annum.

Salaries of board.

(5) The elective members of the Board of Control shall hold office for the remainder of the municipal year in which they are elected unless removed, but they shall, if members of the council, be eligible for re-election. In case any member of the board shall die, resign or become incapable of acting, the council may, at a meeting called for that purpose, elect a successor to hold office for the unexpired portion of the term of such member, or in case of the temporary absence, for more than one month, or inability to act of any such member, his place may be temporarily filled by the council.

Term of office.

(6) The election or appointment of any alderman as a member of the Board of Control shall not render him ineligible for election as chairman of any committee.

Chairman of committee may be elected.

(7) The council at any time, after three days' notice in writing to each member of the council, may by an affirmative vote of two-thirds of the council present and voting, remove any member of the Board of Control other than the mayor, and may after such removal proceed to fill the vacancy thus created. But such removal and the filling of any vacancy shall take place only at a meeting specially called for such purpose.

Removal of members of board.



Duties of  
board.

Preparing  
estimates.

**34.** It shall be the duty of the Board of Control:—

(1) To prepare an estimate of the proposed expenditure of the year and certify the same to the council for its consideration. The council shall not appropriate or expend nor shall any officer thereof expend or direct the expenditure of any sum or sums not included in or provided for by such estimates or in or by any special or supplementary estimates, duly certified by the board to the council without the affirmative vote of two-thirds of the council present and voting authorizing such additional appropriation or expenditure. But this prohibition shall not extend to the payment of any debenture or other debt or liability lawfully contracted and payable, nor to the interest thereon.

Awarding  
contracts.

(2) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required and which may lawfully be purchased for the use of the corporation, and to report their action to the council at its next meeting. The chairman or board shall require the presence of the head of department or sub-department with which the subject matter of such tender is connected upon the opening of any tenders, and of the city solicitor when required. Such head of department may take part in any discussion at the board relating to such tenders, but shall not be entitled to vote. The council shall not, unless upon an affirmative vote of at least two-thirds of the members of the council present and voting, reverse or vary the action of the Board of Control in respect of such tender and decision of the board thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the Board of Control has awarded it.

Inspecting  
municipal  
works.

(3) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress within the city.

Nominating  
officers of  
corporation.

(4) To nominate to the council all heads of departments and sub-departments in case of any vacancy and, after a favorable report by the head of the department, any other officer of the corporation requiring to be appointed by by-law or resolution of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks, and no head of department or sub-department or other permanent officer, clerk or assistant as aforesaid shall be appointed or selected by the council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the council present and voting, but the council may, by a majority vote, refer such nomination back to the Board of Control for reconsideration.



(5) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council. Where any head of department has been dismissed by the board he shall not be reappointed or reinstated by the council unless upon an affirmative vote of at least two-thirds of the members of the council present and voting.

Suspension or dismissal of officers.

(6) In the absence of any by-law of the council prescribing the mode of appointment of all or any other subordinate officers, clerks, assistants, employees, servants and workmen not included in the next two preceding sub-sections and required by any department or sub-department for the due and proper discharge and performance of the duties and work thereof, the Board may by regulation or resolution direct by whom and in what manner such subordinate officers, assistants, employees, servants or workmen shall be appointed, engaged or employed.

Controlling appointment and duties of subordinate officers.

(7) To discharge all other duties heretofore assigned to or discharged by the existing Board of Administration under any by-law of the municipality.

Other duties.

(8) The board may, from time to time, submit proposed by-laws to the council, and where, in the opinion of the board it is desirable, may amalgamate departments or sub-departments.

Submission of by-laws, etc.

(9) The Board may appoint a secretary or clerk whose duty it shall be to keep minutes of all proceedings of the board and prepare all reports and other proceedings of the board and he shall perform such other duties and services as may be assigned to him from time to time by the board, the mayor or the council.

Secretary of board.

(10) The council may by by-law or resolution impose upon or assign to the Board of Control such other duties as to the council shall seem meet. And the Board shall, when so required by resolution of the council, and upon one week's notice thereof, return copies of the minutes of its meetings to the council, and any other information in their possession which the council may require.

Council may impose other duties on board.

(11) Nothing in this section contained shall prevent the council by a vote of the majority of the council present and voting, from referring back to the Board of Control any report, question, matter or thing for reconsideration.

Referring back matters for reconsideration by board.

(12) In all cases where it is sought in council to reverse, set aside or vary the action of the Board of Control or where a two-thirds vote of the members of the council present and voting is required for any purpose, the vote by yeas and nays shall be recorded in the minutes of the council.

Recording votes on action of board.

(13) The boards of the public, separate and high schools, of police commissioners, and the free library shall furnish to the

School boards, etc., to send in estimates before 1st March.

said

said Board of Control their several and respective annual estimates on or before the first day of March in each year after the present year.

Certain officers not to be nominated by board.

(14) Sub-section 4 of this section shall not apply to any member of the fire department, except the head thereof, nor to any assessor except the assessment commissioner, nor to the representatives of the council at or upon the harbor trust, or the board of any corporation to which the council is now or may hereafter become entitled to elect a representative, nor to the members of the court of revision. And nothing in this section contained shall deprive any head of department of the power to dismiss any subordinate officer, clerk or employee, which he shall possess at the time of the passing of this Act under any by-law or otherwise.

Exclusive rights of board.

(15) Notwithstanding anything in *The Consolidated Municipal Act, 1892*, contained, the duties herein assigned to the Board of Control shall be discharged exclusively by such Board, except in the cases provided for in sub-section eight of this section.

Furnishings, lighting, etc., of police offices.

**35.** Where the council of a town or city is required by *The Consolidated Municipal Act, 1892*, to establish a police office, the council shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the same, and for all officers connected therewith.

Limit of compensation to be paid to owners of adjoining lands for cutting or removing trees from highways.

**36.** Nothing contained in the Act passed during the present session of this Legislature intituled, "*An Act revising and consolidating the Acts to Encourage the Planting and Growing of Trees*," shall render the municipal corporation of any city, town or village, liable to compensate the owner of property adjoining any public highway in the city, town or village for the cutting or trimming or removal of any tree upon such highway, further than as provided by sub-section 20 of section 479 of *The Consolidated Municipal Act, 1892*, provided that such cutting, trimming or removal is done under the provisions of a by-law duly passed in accordance with the powers conferred by the last mentioned Act.

Maintaining public conveniences in cities and towns.

**37.** The council of any city or town may provide and maintain lavatories, urinals and water closets and like conveniences in situations where they deem such accommodation to be required, either upon the public streets or elsewhere, and may supply the same with water, and defray the expense thereof and of keeping the same in repair and good order.

City of Toronto may grant aid to Canadian Historical Exhibition.

**38.** The Council of the Corporation of the City of Toronto, with the assent of the ratepayers, may grant or guarantee a sum not exceeding \$25,000 in aid of the Cana-

dian Historical Exhibition of 1897 to the commissioners to be appointed pursuant to the Act passed at the present session respecting the Canadian Historical Exhibition.

**39.** The Canadian Wheelmen's Association of the Dominion of Canada may, at the expense of said Association, erect and maintain for the benefit of bicyclists and other travellers upon the public roads and highways, sign-posts at road inter-sections and wherever necessary to guide travellers, and mile-posts to show distances, and danger signals at hills which may be deemed by the said Association dangerous or unsafe for travellers on bicycles. Provided that every such sign-post, mile-post and danger sign shall be so placed as not to be an obstruction to the highway or to endanger the safety of any person travelling thereon; and provided further that no advertisements or notices shall be placed thereon except those only which give the names of places and show danger signs and distances as above mentioned, under a penalty of \$5 for every offence, to be recovered before any justice of the peace having jurisdiction in the locality.

Canadian Wheelmen's Association authorized to place sign-posts on highways.

Proviso.

**40.** This Act shall be read with and as a part of *The Consolidated Municipal Act, 1892.*

The Act incorporated with 55 V. c. 52.

## CHAPTER 52.

## An Act to reduce the number of County Councillors.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The County Councils Act, 1896*.

County councils, how composed.

2. Notwithstanding anything in *The Consolidated Municipal Act, 1892*, or any other Act, contained, and subject to the provisions of this Act, county councils shall, from and after the expiration of the terms of office of the county councillors holding office at the time of the passing hereof, be composed as follows:—

(a) If the population of the county is 25,000 or less, of not less than 8 members nor more than 10 members.

(b) If the population is more than 25,000 but less than 40,000, of not less than 10 members nor more than 12 members.

(c) If the population is 40,000 or more but less than 60,000, of not less than 12 members nor more than 14 members.

(d) If the population is 60,000 or more, of not less than 16 members nor more than 18 members.

County council divisions.

3. For the purposes of this Act, each county shall be divided into districts or divisions, which shall be known as "county council divisions," as follows:—

(a) If the population of the county is 25,000 or less, into not less than 4 and not more than 5 divisions.

(b) If the population is more than 25,000 but less than 40,000, into not less than 5 and not more than 6 divisions.

(c) If the population is 40,000 or more, but less than 60,000, into not less than 6 nor more than 7 divisions.

(d) And if the population is 60,000 or more, into not less than 8 nor more than 9 divisions.



4. Cities, towns and other municipalities separated from the county shall not be included in the computation of the population, nor shall the population of Indian reserves, which are not organized as municipalities under *The Consolidated Municipal Act, 1892*. Separated municipalities not to be included in computing population.

5. Each such division shall be designated and distinguished by its number (as for example the "First County Council Division,") and shall be represented in the county council by two members who shall hold office for the term of two years and who shall be residents of the Division for which they are councillors. Two members for each district.

6. The election of county councillors shall be held in alternate years and at the time fixed by law for the annual municipal elections for members of the councils of the local municipalities, and the first election held under this Act shall be so held at the next annual municipal elections which shall be held after this Act comes into force. No member of the council of a local municipality nor any clerk, treasurer, assessor or collector thereof shall be eligible for nomination or election as a county councillor. But a member of any municipal council for the year 1896 shall not be ineligible for nomination or election by reason only of his being a member of such council for the year 1896. Election in alternate years.

7.—(1) The warden of every county shall on or before the 15th day of November, 1896, and, in every succeeding year before an election for county councillors is to be held, the county council shall appoint for each county council division a nominating officer, who shall act as such until his successor is appointed. Such person may be called the "nominating officer," and his duties shall be ; Disqualification.

(a) In every year before an election of county councillors is to be held, or before a vacancy is to be filled to fix a place within the division for holding such nomination, between the hours of one and two o'clock in the afternoon, and to give notice of such nomination under his hand, and of the election, by advertisement in two weekly newspapers in the county, to be published for at least two successive weeks prior to such nomination day, or by giving sufficient public notice thereof by printed posters ;

(b) To attend at the day and place appointed for such nomination and subject to the provisions and for the purposes of this Act, to perform the duties as far as made applicable by this Act, which, by law, the clerk of a local municipality is required to perform as returning officer at the nomination for an election in a local municipality. In case at the time appointed for holding the nomination, the nominating

nominating officer has died, or does not attend to hold such nomination, the electors present for the purpose of holding a nomination may choose from amongst themselves a nominating officer who shall have all the powers and perform all the duties of such nominating officer.

(2) In the event of the warden failing to make such appointments within twenty-four hours after the time specified, the duty of making such appointments shall devolve upon the clerk of the council.

(3) Such nomination day shall be that Monday in the week which precedes the week before polling day.

Election by  
acclamation.

8—(1) If at the day and hour named in the preceding paragraph there are not more candidates nominated for any county council division than are required to be elected for such division, the nominating officer shall thereupon declare such candidate or candidates as are duly nominated, elected, and shall thereupon prepare and mail to the county clerk, by registered letter with postage prepaid, upon the same day a certificate under his hand of such election by acclamation. But if a greater number of candidates are nominated than are required to be elected in any county council division the nominating officer shall immediately after the lapse of the time in which candidates, under *The Consolidated Municipal Act, 1892*, may withdraw from nomination, certify the facts, with the names and addresses of those remaining in nomination, to the county clerk.

55 V. c. 42.

(2) Any person nominated may resign either at the nomination meeting or during the following day. If such resignation is after the meeting, it shall be signed and witnessed in the manner prescribed for resignations under *The Consolidated Municipal Act* and delivered to the nominating officer.

55 V. c. 42.

(3) If by reason of any such resignation or resignations the number of candidates remaining does not exceed that of the offices to be filled, the nominating officer shall certify such candidates as duly elected.

Ballot,  
papers, etc.

9. It shall be the duty of the clerk of the county council to cause a ballot to be printed for the election of a member or members of the council, and he shall immediately after the receipt of the certificates from the nominating officer and before polling day forward a sufficient number of ballots and other necessary election papers to the clerk of each of the local municipalities within each county council division where elections for county councillors are to be held, and such clerk of the municipality shall cause them to be supplied to the persons appointed to act as deputy returning officers at the said election. If all the members of the council of any local municipality shall be elected by acclamation, then the clerk of such municipality shall

When no elec-  
tion to be held  
for local  
municipality.

shall take all proceedings necessary for the election of a member or members of the county council in the same manner (*mutatis mutandis*) as is provided by *The Consolidated Municipal Act, 1892*, for the election of members of the council of the municipality. <sup>55 V. c. 42.</sup>

**10.** In preparing the ballots or any notices or other papers which may be necessary, the forms appended to or otherwise provided for by *The Consolidated Municipal Act, 1892*, shall be used as far as applicable, and where not wholly applicable, shall be adapted by the clerk of the county council or the clerks of the local municipalities, or other officer, as the case may be, to the election of county councillors, and the words "County Councillor" shall be printed on every such ballot. <sup>Forms. 55 V. c. 42.</sup>

**11.** The council of any local municipality in which the election of any member or members of the county council is to be held, and the clerk of such municipality and any other officer thereof shall, in case of the election of all the members of the council of the local municipality by acclamation, nevertheless, so as to enable the election for county councillors to be held, do all things and take all proceedings which would have been necessary and as by law is provided, that is to say, provide polling places, furnish the necessary and proper voters' lists and poll books, and appoint deputy-returning officers and other necessary officers, and do any and all other matters and things which would have been necessary and proper to be done had the members of the council of such local municipality not been elected by acclamation, and the returning officer and deputy returning officer shall have all the powers, rights and authorities respecting the election of county councillors, which they now have respecting the election for the members of the local municipal councils, and shall perform all the like or similar duties which they are now required to perform, under *The Consolidated Municipal Act, 1892*, where an election is being held for the members of the council of a local municipality. <sup>Holding election of county councillors where all members of local council elected by acclamation. 55 V. c. 42.</sup>

**12.** At the election of a member or members of a county council, the ballots shall be placed in the same ballot box as the ballots for the members of the council of a local municipality where an election in such municipality is being held, and shall be counted in the same manner as such last named ballots and they shall thereafter be placed in a separate envelope or package and otherwise dealt with in the same manner as ballots for the election of members of the council of a local municipality and where an election for such local municipality is not being held the proceedings thereat and thereafter (except where the same are varied hereby) shall be as nearly as possible the same as in the case of an election for a local municipality. <sup>Ballot boxes—counting ballots.</sup>



Qualification  
of voters.

**13.** The persons qualified to vote for county councillors shall be the persons qualified to vote at the election of members of the council of the local municipality and all local municipal clerks, and no others; and each person so qualified shall be entitled to as many votes as there are members of the county council to be elected in his county council division, and he may, at his option, when there are two county councillors to be elected, give both of his votes to one candidate, in which case he shall place two crosses within the division of the ballot wherein is the name of such candidate. But where any person being a resident voter is on the voters' list for two or more municipalities within any county council division, he shall vote for county councillors in that municipality only in which he resides, and only at the polling place of the polling sub-division in which he resides, if he is entitled to vote at such polling place. In case a voter is not resident within the division, he shall vote only once within any division, whether his name is on the voters' lists of said division in more than one polling sub-division or not.

Marking  
ballots.

Qualification  
of county  
councillors.

**14.** Every member of a county council shall possess the same property qualification as the reeve of a town is required to have, and every member of a county council before entering on his duties shall make and subscribe the declaration of office and qualification (*mutatis mutandis*) set out in section 270 of *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Certifying  
result of elec-  
tion in each  
municipality.

**15.** The clerk of each municipality shall, on the day following the return to him of the ballot papers and statements, prepare and mail to the county clerk by registered letter with the postage prepaid, a certificate under his hand of the result of the voting in his municipality for the candidates for the county council, and such certificate shall be according to the form given in the schedule hereto.

County clerk  
to cast up  
votes and  
declare  
result.

**16.** The county clerk shall, for the purposes of this Act, be returning officer, and as such shall perform the duties required of him by this Act, and on receipt of the certificates from the clerks of the municipalities comprising a county council division the said county clerk shall cast up the number of votes for each candidate from such certificates and shall, at the hour of one o'clock in the afternoon of the second Monday in the month of January, in the county council chamber, publicly declare elected the two candidates having the highest number of votes in each county council division, and shall also post up in his office for public inspection a statement under his hand showing the number of votes polled for each candidate.

When two  
candidates  
receive same  
number of  
votes.

**17.** Where an equal number of votes has been cast for two or more candidates in any county council division and it is necessary to determine which one or two of such candidates

shall



shall be declared to be elected, the nominating officer for the division shall, upon request of the county clerk, declare in writing for which of such candidates he votes, and in such case the candidate or candidates for whom he votes shall be elected.

18. The county councillors so elected shall form and be the county council for the county in lieu of the council as heretofore constituted, and such county council shall have all the rights, powers and authority heretofore vested in county councils by *The Consolidated Municipal Act, 1892*, and may do and perform all acts, matters and things which county councils might or could do under the said Act, and all parts of *The Consolidated Municipal Act, 1892*, repugnant to or inconsistent herewith affecting or applicable to county councils are and shall, for the purposes of this Act, be superseded hereby, and all other parts of the said municipal Act applicable to county councils shall apply to the county councils elected hereunder.

Powers of county councillors elected under Act.  
55 V. c. 42.

19. Where an even number of votes are cast for warden and no election can be had during the first day of meeting, if no choice is made after two ballots on the second day, the senior member representing the division having the largest equalized assessment shall have two votes. Where two councillors from such division have an equal number of votes, or where they have been elected by acclamation the clerk shall in open council draw lots to ascertain which one of such two shall give the casting vote. The words "senior member" shall mean that member for such division who received at the last preceding election the higher number of votes in his division.

Tie vote for warden.

20. The same proceedings may be had for a recount of ballots, or for the vacating of any seat, as may now be had in the case of members of the council of any local municipality. And in case of a recount or proceedings for the unseating of a county councillor, the judge of the county or other person before whom such proceedings are being held may require the clerk or clerks of the local municipality or municipalities to forward, for the purposes of production before him, to the clerk of the county under seal, all ballots, books, voters' or other lists, and other papers in his hands connected with the election. In such case the said clerk shall so forward the ballots, books, voters' or other lists, and other papers as directed, with a statutory declaration that they are the ballots, books, voters' or other lists, and other papers (if any) deposited with him in connection with such election and no others, and that he has kept them safely and has not permitted or given opportunity to any person or persons to examine, inspect or see them since they were returned to him, and that he has kept them under seal securely since such return to him.

Recount.

Filling vacancies in council.

**21—**(1) In case of a vacancy occurring in the county council by death of a member or from other cause before the June meeting of the county council, the warden (or in case of a vacancy in that office, the county clerk,) shall issue his warrant for a new election to fill such vacancy to the nominating officer of the division in which the vacancy exists, in time to fill the same before the regular meeting of said council in June is held, if practicable; and where there is not time to fill the same before the said meeting such vacancy shall be filled at the next annual municipal election, and the clerk of the county council and the councils and clerks of the local municipalities comprising the county council division in which such vacancy has occurred, shall take all necessary proceedings, as provided by this Act, to hold the election. But when an election to fill any such vacancy is held at the annual election, or at any other time during the year, the proceedings shall be the same as nearly as may be as in the case of the biennial election under this Act, but where at such bye election one councillor only is to be elected, each elector shall be entitled to but one vote.

(2) The councillor so elected to fill a vacancy shall hold office during the unexpired portion of the term for which his predecessor was elected.

Expenses of elections, payment of.

**22.** The expenses incurred in and about the election of county councillors shall be borne by the county, but where a poll is held for the election of a member or members of the council of a local municipality at the same time as the election for the county council is held, the costs of the polling booth and the fees of the deputy returning officer, poll clerk and constable and any other expenses which would be necessary for such election for the local municipality shall be borne by the local municipality as heretofore. In case of any dispute between the local municipality and the county as to the apportionment or payment of any such expenses, the difference between them shall be summarily and finally settled by the county judge upon the application of either party, upon four days' notice to the other party, and he shall make such order in the matter as to him shall appear just. Where an election is held under this Act when no poll is required by the local municipality or municipalities, then the costs of such election shall be borne wholly by the county.

Penalty for neglecting to carry out Act

**23.** Any clerk of a county or clerk or officer of a local municipality who shall refuse or neglect to perform the duties prescribed by this Act, shall be liable, on conviction thereof, to a fine of \$200 and costs, and the provisions of section 420 of *The Consolidated Municipal Act, 1892*, respecting the recovery and enforcement of penalties shall apply to the penalties imposed by this section.

55 V. c. 42.

**24.** In addition to any other penalties imposed by *The Consolidated Municipal Act, 1892*, any clerk of a local municipality who knowingly makes a false or incorrect return under section 15 of this Act, and any county clerk who knowingly makes a false or incorrect declaration of election under section 16 of this Act, and any nominating officer who knowingly makes a false or incorrect declaration of election or knowingly gives a false or incorrect certificate under section 8 of this Act, or commits any other act of falsification, concealment or fraud, with intent to affect the election of a candidate or candidates, shall, upon conviction thereof, be liable to a fine of \$500 and costs, and shall be disqualified for a period of four years thereafter from holding any office or position in the gift or control of any municipal council in the Province of Ontario, and shall not be eligible during the said period for election as member of any such council.

Penalties for false returns.

**25.** Where at any election two county councillors are to be elected, there shall be added to the directions contained in Schedule B of *The Consolidated Municipal Act, 1892*, the following paragraph specially applicable to the election of county councillors :

Directions to voters.

Where county councillors are to be elected, and the voter desires to give two votes for one candidate, he shall place two crosses, thus X X, on the righthand side opposite the name of the candidate for whom he votes, or at any other place in the division which contains the name of such candidate ; but no person is allowed to give two votes for one candidate except two county councillors are to be elected.

**26.** Where an election for a member or members of the county council is being held at the same time as the election of a member or members of the council of the local municipality, the clerk of the local municipality in preparing the poll book shall insert therein a column to be headed "County councillors" between the columns headed "Refused to swear or affirm" and the column headed "Mayor or reeve," and in case no election is being held for a member or members of the council of the local municipality, the like books shall be used unless the clerk prepares poll books expressly for the election of county councillors.

Poll book, columns to be inserted at county council elections.

**27.** All the sections of *The Consolidated Municipal Act 1892*, relating to the conduct of municipal elections not inconsistent herewith and unless where other provisions are herein made and the imposition of penalties in connection with such elections shall apply to elections under this Act.

Application of provisions of 55 V. c. 42.

**28.** The division of the counties to be made for the purposes of this Act shall be so made by commissioners to be appointed by the Lieutenant-Governor in Council.

Division of counties by commission.



Secretary to  
commission.

29. Any commission may appoint a secretary, who shall also be a stenographer, and who shall be paid for his services such sum as the Lieutenant-Governor-in-Council may direct.

Powers of  
commission-  
ers.

30.—(1) The commissioners shall have power to summon witnesses, administer oaths, take evidence upon oath and generally have all the powers of a judge of the High Court sitting in court.

Using county  
buildings.

(2) The commissioners shall be entitled to the use of the court house, or any other county or municipal building, in which to hold their sittings, and may require the attendance of the sheriff or any other county or municipal officer at such sittings.

Information  
to be furnish-  
ed by municip-  
al officers.

(3) The county clerk or treasurer or the clerk of any local municipality shall, upon the request of any commissioner, prepare any statement, in schedule form or otherwise, that may be required, of the population, acreage, assessed value, annual receipts and expenditure and of the liabilities of the county or of any local municipality or any other statement in relation to the affairs of the county or of any local municipality which the commissioners may require, and shall furnish the same to the commissioners with promptitude and as they may be directed by the commissioners.

Sittings of  
commission.

(4) The commission shall when practicable hold its sittings for each county in the court house or council chamber at the county town thereof, and notice of such sittings shall be given by the secretary of the commission to the clerk of the county, and by the said clerk published weekly for two successive weeks in two newspapers published within the county.

Notice of  
sittings.

(5) The clerk of the county, upon receipt of the notice of the sitting of the commission, shall forthwith send by mail to the clerk of each municipality a copy of such notice.

Taking  
evidence.

(6) The commission may take evidence and hear county or other municipal councils or representatives or committees thereof and other parties interested either personally or by counsel or agent, and may receive any such written statement as they may think proper, and generally may take all such proceedings as will enable them fairly to divide the county and, where necessary, group the municipalities thereof into county council divisions, for the purposes of this Act.

United  
counties.

(7) In making such division of counties the commissioners shall treat the counties united for municipal purposes as though they were separate counties and shall make the divisions upon the basis of population for each of the united counties separately.

Matters to be  
considered by  
commis-  
sioners.  
E. 10-1013  
1884-10

31. In forming the county council divisions the commission shall have regard especially to assessed value, and population and extent of territory, and shall not in making such



such division divide local municipalities, unless where in the opinion of the commission it is plainly necessary so to do in order to arrive at a fair and reasonable division, but in no case shall polling sub-divisions be divided.

**32.** Every commission shall, immediately after the conclusion of its sittings in any county, make a report in respect of such county to the Lieutenant-Governor in Council, setting out the manner in which the county has been divided by them, and one duplicate thereof shall be sent by the secretary of the commission to the Provincial Secretary, and the other duplicate thereof to the clerk of the county, who shall cause the same to be published weekly for three successive weeks in two newspapers published within the county.

Report to Government.

**33.** Such report, when signed by the commissioners and filed with the Provincial Secretary and county clerk shall constitute the division of such county into county divisions, as provided by and for the purposes of this Act.

Effect of report.

**34.** Each of the said commissions shall begin its sittings not later than the fifteenth day of May, 1896, and shall conclude and make its final report on or before the fifteenth day of October, 1896.

When sittings to begin.

**35.** The said commissioners and the secretaries of such commissions shall be paid for their services, and disbursements for travelling expenses and otherwise by the Provincial Treasurer, and all other expenses of what kind so ever, shall be paid by the treasurer of the county for the work done or expenses incurred in respect of each particular county, after they have been certified by the warden of such county.

Payment of expenses.

**36.** The judge of the county court of the county, the warden thereof and the clerk of the peace shall constitute a board whose duty it shall be when a new village is erected or a town is separated from the county or is erected into a city, and the arrangement into county council divisions is thereby disturbed, by their order to attach such village to some convenient county council division or to rearrange the county council divisions affected, and, if necessary, the adjoining division or divisions, but in so doing the board shall make only such changes as the altered circumstances require.

Board to rearrange division.

**37.** A county council elected under this Act shall not, during any one term in which it is elected, raise by by-law for contracting debts or loans more than \$20,000 over and above the sums required for its ordinary expenditure without submitting such by-law or by-laws for the assent of the electors.

By-laws for raising more than \$20,000 in any year to be submitted to electors.

Ascertaining  
population.

**38.** The population of any county shall, for the purposes of this Act, be ascertained by reference to the population of the local municipalities as shown by the last decennial census of the Dominion of Canada.

Act not to  
apply to Hal-  
iburton.

**39.** This Act shall not apply to the Provisional County of Haliburton.

Election of  
reeves and  
deputy reeves  
not affected.

**40.** Nothing in this Act contained shall affect the election of a reeve or deputy reeve in local municipalities as provided for by the said *Municipal Act*.

Act to be  
read with  
55 V. c. 42.

**41.** This Act shall be read with and as part of *The Consolidated Municipal Act, 1892*.

## SCHEDULE.

(Section 15.)

### FORM OF CERTIFICATE OF RESULT OF POLLS UNDER "COUNTY COUNCILS ACT, 1896."

I, \_\_\_\_\_, Clerk of the municipal corporation of the \_\_\_\_\_ of \_\_\_\_\_, hereby certify that at the election of members of the county council for the \_\_\_\_\_ county council division of each candidate received the number of votes placed after his name in the list hereunder written.

Name.	Occupation.	Number of votes.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, A.D.

\_\_\_\_\_ A. B.  
Clerk of the Municipality of \_\_\_\_\_.

## CHAPTER 53.

## An Act to amend The Municipal Arbitrations Act.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 5 of *The Municipal Arbitrations Act* is <sup>58 V. c. 43, s. 5, amended.</sup> amended by striking out the word "the" where it last occurs in the first line of the said section, and substituting therefor the words, "his notes of," and by adding at the end of the said section the words, "and upon the request of any one of the parties interested in the enquiry, the notes of the shorthand writer shall be extended by him, and upon payment of his proper fees therefor shall be filed with the said clerk." <sup>Extending notes of evidence.</sup>

2. The said Act is further amended by adding thereto the <sup>58 V. c. 43, amended.</sup> following section :—

12a. This Act shall extend and apply to the county of York and shall also extend and apply to any municipality which shall by by-law declare that it is the desire of such municipality to be brought within the provisions of the Act and in such case this Act shall be read as though it had been expressly made to apply to such municipality by the terms thereof. The official arbitrator appointed under this Act shall in such case be the official arbitrator for such municipality. <sup>Application of Act extended.</sup>

3. This Act shall be read with and as part of *The Municipal Arbitrations Act*. <sup>Act incorporated with 58 V. c. 43.</sup>

## CHAPTER 54.

## An Act respecting Provincial Municipal Auditors.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Lieutenant-Governor may appoint board of auditors.

1. The Lieutenant-Governor may from time to time constitute a board of municipal auditors, and the persons appointed shall be provincial municipal auditors, and shall enquire into the financial affairs of municipal corporations and matters connected therewith.

Constitution of boards.

2. The board shall consist of three members, or such further number as may be deemed necessary, and the persons appointed shall be chartered accountants or otherwise competent for the investigation and audit of municipal accounts, and shall hold office during pleasure and without salary.

Remuneration of members.

3. Unless an agreement to the contrary is made, every member of the board while actually employed shall be entitled to \$10 a day and his expenses, and the same may be determined and certified and shall be payable as provided in section 384 of *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Directing audit instead of commission of enquiry.

4. Where a commission of enquiry is applied for under section 383 of *The Consolidated Municipal Act, 1892*, the Lieutenant-Governor in Council, instead of issuing a commission, may direct a member of the board to hold an investigation.

Powers of auditors when holding investigation.

5. The members of the board shall when holding any enquiry have the same powers as to summoning witnesses and enforcing their attendance, and compelling them to produce documents and give evidence, as any court has in civil cases.



6. Every member of the board shall on his appointment take the oath following, and the same may be taken before a justice of the peace or before a commissioner for taking affidavits, and shall be filed in the office of the Provincial Secretary, that is to say:—

Form of oath  
of auditors.

I, A. B., of the                      of                      in the county of  
do swear that I will well and truly serve our Sovereign Lady  
Queen Victoria as a provincial municipal auditor, and I will  
do right to all manner of people after the laws and usages of  
this Province without fear or favor, affection or ill-will. So  
help me God.

---

## CHAPTER 55.

## An Act respecting Tax Sales in the Unorganized Districts.

*Assented to 7th April, 1896.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Tax sales in  
Algoma etc.,  
notice of.

1. It shall not be necessary to publish in a newspaper in the city of Toronto other than the *Ontario Gazette* the advertisement of any sale of lands for taxes required by section 34 of chapter 185 of the Revised Statutes of Ontario, 1887.

---

## CHAPTER 56.

An Act to correct a Clerical Error in The Debentures  
Registration Act.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 4 of *The Debentures Registration Act* is amended by inserting therein immediately after the word "holders" in the third line thereof, the words "of such debentures."

Rev. Stat. c.  
186, s. 4,  
amended.

## CHAPTER 57.

## An Act to improve the Laws respecting Public Libraries.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, Province of Ontario, enacts as follows :—

58 V., c. 45,  
s. 11, sub-s. 1,  
amended.

1. The following is added to sub-section 1 of section 11 of *The Public Libraries Act, 1895*: " Provided that if at the time of the presentation of such petition a public library board has already been appointed in such municipality under *The Free Libraries Act*, being chapter 189 of the Revised Statutes of Ontario, 1887, or under this Act, then on the presentation of such petition as aforesaid, the municipal council shall by by-law appoint such public library board to be the board of management of the public library or Mechanics' Institute presenting such petition."

58 Vict. c. 45,  
s. 19 repealed.

2. Section 19 of *The Public Libraries Act, 1895*, is repealed and the following substituted therefor :

Legislative  
grant to pub-  
lic libraries.

19.—(1) Subject to any regulations approved by the Lieutenant-Governor in Council in that behalf, there shall be paid to every public library established under this Act, out of any money appropriated by the Legislature for that purpose, one dollar for every dollar expended by the board of management on the purchase of books, but so as not to exceed the sum of \$200, provided it is shown to the satisfaction of the Education Department that at least the equivalent of the sum so expended has been contributed by municipal or school corporations, or from the fees of members and other sources.

(2) The sum of one dollar shall be allowed each public library for every dollar expended on newspapers or magazines for the purpose of a reading room, but so as not to exceed \$50 for each reading room.



(3) The sum of three dollars shall be allowed for every pupil attending evening classes established under this Act, providing the class is composed of twenty-five pupils or under, with an additional allowance of one dollar per pupil over the number of twenty-five, but so as not to exceed the sum of \$100 for evening classes.

3. It shall be lawful for any municipal or school corporation to contribute to the maintenance of a public library as such corporation may deem expedient, and to exercise its corporate powers for the collection of any sum so contributed from the taxable property of the ratepayers under its jurisdiction.

Contributions from municipalities.

4. Notwithstanding the repeal of the *Act respecting Mechanics' Institutes and Art Schools*, being chapter 173 of the Revised Statutes of Ontario, it is hereby declared that any Mechanics' Institute incorporated under the said Act, or under any other Act, always had and has power to sell or to convey absolutely or by way of mortgage any real estate belonging to such corporation in case a resolution authorizing or recommending such sale or mortgage was or is passed by two-thirds of the directors, and at any time within six months thereafter, was or is approved by a majority of the members of the corporation entitled to vote under its by-laws present at an annual meeting or at any general meeting duly called in accordance with the by-laws respecting the calling of general meetings.

Mechanics' institutes power to mortgage or sell real estate.

5. If a trustee of any public library board is convicted of any offence against the criminal laws of the Dominion of Canada, or becomes insane, or absents himself from the meetings of the board for three consecutive months without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacated forthwith and notify the appointing council or board having authority to appoint such trustee accordingly.

When office of library trustees to become vacant.

6. *The Public Libraries Act, 1895*, is amended by inserting after the word "villages," in the first line of section 10, the words "and townships," and after the word "village," in the second line of section 11, the words "or townships."

58 V., c. 45, ss. 10 and 11 amended.

7. The board of management of any public library organized under Part II. of the said *Public Libraries Act, 1895*, may appoint its own treasurer for receiving and disbursing the funds of the board, anything in the said Act to the contrary notwithstanding.

Appointment of treasurer of board of management.

8. Section 12 of *The Public Libraries Act, 1895*, is repealed.

58 V. c. 45, s. 12, repealed.

## CHAPTER 58.

## The Assessment Amendment Act, 1896.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:

55 V. c. 48, s.  
27, sub-s. 1,  
58 V. c. 47,  
amended.

1. Sub-section 1 of section 27, of *The Consolidated Assessment Act, 1892*, as the same is amended by section 2 of *The Assessment Amendment Act, 1895*, is further amended by striking out the word "cities" after the words "ten acres in" in the eighth line of the said sub-section.

55 V. c. 48,  
amended.

2. The said *Consolidated Assessment Act, 1892*, is amended by adding thereto the following as section 52a:—

Taking assess-  
ment by  
wards or sub-  
divisions in  
cities of 100,  
000 or over.

(1) The council of any city having a population of over 100,000 inhabitants, instead of proceeding in the manner set forth in section 52 of this Act, may by by-law, or by-laws from time to time, provide for taking the assessment at any time prior to the 30th day of September, and may fix prior and separate dates for the return of the roll of each ward, or each sub-division of a ward, as defined in the said by-law or by-laws.

By-law to fix  
time for hear-  
ing appeals to  
court of  
revision.

(2) The said by-law or by-laws shall also provide for holding a court of revision for hearing appeals from the assessments in each ward or sub-division, in the manner provided by this Act, upon the return of the assessment roll for such ward or sub-division.

Appeals to  
county judge.

(3) The county judge may sit from time to time throughout the year, for the purpose of hearing appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, and the time for appeal to the court of revision shall be within five days after the return of the roll for each ward or sub-division of a ward, and the time for appealing from the court of revision to the county judge shall be within three days after the decision of the court of revision is given.

(4) The judge shall arrange to hear all such appeals from time to time throughout the year, within ten days after the sitting of the court of revision for each ward or sub-division of a ward, and shall complete his revision of the last of such rolls for the city by the 20th day of October, in each year.

When revision by judge to take place and be completed.

(5) The assessment so made and concluded may be adopted by the council of the following year as the assessment on which the rate of taxation for such following year shall be fixed, and the taxes for such following year shall be levied upon the said assessment.

Adoption of assessment for following year.

(6) Provided that if from any cause the final revision of the rolls for all the wards or sub-divisions in the city has not been completed by the 20th day of October, the council may adopt the assessment, when finally revised, as the assessment upon which the taxes for the following year shall be levied.

When rolls not completed by 20th October.

(7) In any city in which a by-law or by-laws have been passed under this section, the provisions of sections 64 and 68 of this Act, so far as the same relate to the time of appeal and notice thereof, shall not apply, but the clerk shall give notice to all parties appealing, or whose assessment or non-assessment is appealed against, at least five days before the sitting of the court of revision, such notice to be served upon the said party or left at his residence or place of business, or upon the premises concerning which such appeal arises, or addressed to such person through the post-office, but no advertisement of the court shall be necessary, and in case of appeals to the county judge, five days' notice of the day fixed for the county judge to hear such appeals shall be served in the manner provided in the case of appeals to the court of revision.

Time for giving notice, etc.

(8) Provided that the provisions of the said sections 64 and 68, so far as the same are not inconsistent with the provisions of this section, shall apply to appeals made hereunder.

Application of 55 V. c. 48, ss. 64 and 68.

**3.—**(1) Section 56a. of the said Act is repealed, but any court of revision heretofore appointed under the said section shall continue to hold office until after the organization of the city council for the year 1897, when a court of revision shall be appointed under the provision hereinafter contained, and the following is substituted for the said section 56a :—

55 V. c. 48, s. 56a, repealed.

56a.—(1) Sections 55 and 56 of this Act shall not apply to any city having a population of 30,000 or more, but in every such city the court of revision shall consist of three members, one of whom shall be appointed by the city council, and one by the mayor, and the third member shall be the official arbitrator appointed for the city under *The Municipal Arbitrations Act*, except in cities where there is no such official arbitrator, and in those cities the sheriff shall be the third member.

Constitution of court of revision in cities of 30,000 and over. Appointment of court of revision. 58 V. c. 43.



Who may not  
be members of  
court.

(2) No member of said court of revision shall be a member of the city council or be an officer or employee of the city corporation.

Remuneration  
of members of  
court.

(3) In cities having a population of 100,000 or more each member of such court of revision shall be paid at the rate of not more than \$500 per annum for his services, and in cities of less than 100,000 the amount paid to each member shall not be more than \$300 per annum, and their remuneration shall in each case be fixed by by-laws of the municipality.

When court  
to be ap-  
pointed.

(4) The members of such court of revision shall be appointed as soon as practicable after the passing of this Act, and shall hold office for the current year and thereafter until their successors are appointed, but the mayor or council may each or either of them, after the organization of a new council and before the first day of March in any year, appoint a member of such court of revision in place of any member appointed by the mayor or council in a preceding year.

Quorum,  
filling  
vacancies.

(5) Two members of any court of revision under this section shall form a quorum, and upon the death or resignation of any member of such court, a successor shall immediately thereafter be appointed by the authority which appointed the member dying or resigning. In case of a vacancy in the office of sheriff the council shall temporarily appoint such third member, who shall hold office until the vacancy in the office of sheriff is filled.

55 V. c. 48,  
amended.

4. The said Act is hereby amended by adding thereto the following section as section 119a :—

Form and  
contents of  
collector's  
rolls.

119a.—(1) Notwithstanding anything hereinbefore contained the council of any city or town may by by-law provide that the clerk shall make a collector's roll or rolls, as may be necessary, containing all the information required by this Act, to be entered by the collector therein; and in such roll or rolls he shall set down the name in full of every person assessed and the assessed value of his real and personal property and taxable income, as ascertained after the final revision of the assessments, and opposite the said assessed value as therein described of each respective person, he shall set down in a column the amount for which the person is chargeable, for all sums ordered to be levied by the council of the said municipality for the purposes thereof.

Information  
to be given in  
rolls.

(2) Appended to each and every such roll or rolls there shall also be a table setting forth the following information, viz :—  
(a) the total amount of taxes levied and collected under and by virtue of such roll or rolls; (b) the name and amount of each rate levied by the municipality which is required by law or by the by-law imposing it, to be kept distinct and accounted for separately, and specifying the aggregate proceeds of each such rate so levied and collected.



5. Sub-section 1 of section 123 of the said Act is amended 55 V. c. 48, s. 123, amended. by adding at the end thereof the following :—

The written or printed notice above mentioned shall have Particulars to be given on tax papers. written or printed thereon, for the information of the rate-payer, a schedule specifying the different rates and the amount on the dollar to be levied for each rate, making up the aggregate of the taxes referred to in such notice.

6. In case of distress for the non-payment of taxes where Exemption from distress for taxes. the owner or person assessed is not in possession, the goods and chattels on the premises not belonging to the person liable for the taxes shall not be subject to seizure ; but this restriction shall not apply in favor of a person claiming title under or by virtue of an execution against the person so liable, or in favor of any person whose title is derived by purchase, gift, transfer or assignment from the person so liable, whether absolute or in trust, or by way of mortgage or otherwise, nor to the interest of the person so liable in any goods on the premises belonging to him, or to the possession of which he is entitled, under a contract for purchase or by which he may or is to become the owner thereof upon performance of any condition, nor where goods have been exchanged between two persons so liable by the one borrowing or hiring from the other, for the purpose of defeating the claim of or the right of distress for the non-payment of taxes ; nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law or son-in-law of the person so liable, or by any other relative of his, in case such other relative lives on the premises as a member of the family ; and possession by the tenant of said goods and chattels shall be sufficient *prima facie* evidence that they belong to him.

7.—(1) Sub-section 1 of section 124 of the said Act is 55 V. c. 48, s. 124, sub-s. 1, amended. hereby amended by striking out the words “ or of any goods or chattels found on the premises, the property of or in possession of any other occupant of the premises,” in the 12th, 13th and 14th lines of the said sub-section, and adding the Distress for taxes. following words at the end of the said sub-section : “ The goods and chattels of the owner of the premises found thereon shall be liable to distress for such taxes whether such owner is assessed in respect of such premises or not.”

(2) Section 126 of the said Act is amended by striking out 55 V. c. 48, s. 126, amended. all the words of the said section after the word “ land ” in the sixth line thereof and substituting therefor the following words “ in the same manner and subject to the same limitations as provided in section 124.”

55 V. c. 48  
amended.

8. The said Act is amended by inserting therein the following section as section 131*a* :—

Paying rent  
to collector  
until taxes  
paid.

131*a*. Where taxes are due upon any premises occupied by a tenant who is not liable to pay the same, the collector may give such tenant notice in writing requiring him to pay the rent of such premises as it becomes due from time to time to such collector to the amount of the taxes due and unpaid and costs, and he shall have the same authority to collect such rent by distress or otherwise for the amount of such unpaid taxes and costs as the landlord of the premises would have; but nothing in this sub-section contained shall prevent the recovery of any portion of such taxes which may remain unpaid after applying any payment or payments that are made in the manner provided by law for the collection of taxes.

55 V. c. 48,  
amended.

9. The said Act is amended by inserting therein the following section :—

Percentage to  
be added to  
arrears of  
taxes.

157*a*. In cities having a population of 100,000 and upwards, if, at the balance to be made on the first day of May in every year, it appears that there are any arrears due upon any parcel of land, the treasurer shall add to the whole amount then due the legal rate of interest, but in every municipality where by by-law taxes are payable by instalments, and a percentage has been added to such taxes by reason of default in the payment of such instalment, or instalments, the treasurer shall add to any balance remaining unpaid upon the first day of May in each year, the legal rate of interest less whatever has been already added by reason of default.

Sale of lands  
for taxes in  
certain town-  
ships.

10. All powers conferred upon towns and cities by sections 121, 140, 143, 145, 152, 158, 161, 171*a*, 173, 181, 182, 204 and 205 of the said Act, and all duties imposed by said sections upon the officers of such cities and towns, and the mayors thereof, shall hereafter be vested in and apply to the townships of York, Scarborough and Etobicoke, in the county of York, and to the reeves of said townships, and for the purposes of the collection of arrears of taxes on lands therein and the sale of such lands for taxes, the said townships shall be considered as towns, and wherever the word "town" occurs in any of the said sections it shall be held to apply to and include the said townships, and wherever the word "mayor" occurs in the said sections it shall be held to apply to the reeve of each of the said townships for the time being.

55 V. c. 48,  
s. 170,  
amended.

11. Section 170 of the said Act is amended by adding thereto the following sub-sections :—

Size of lot  
which may be  
or taxes.

(4) The treasurers of the townships of York, Scarborough and Etobicoke shall not sell for taxes a portion of any vacant lot laid out according to any registered plan, the frontage of which does not exceed fifty feet, but shall, in all such cases, sell

the

the whole of such lot for the best price that may be offered by the bidders at such sale, and any money obtained by the treasurer as the price of any such lot shall be applied firstly in paying the arrears of taxes and interest and lawful expenses due in respect of such lot, and the balance, if any, shall be paid by such treasurer to the owner of such lot, or such other person as may be authorized by law to receive the same.

(5) The sale of all lands in respect of which returns have already been made by the treasurers of the townships of York, Scarborough and Etobicoke to the treasurer of the county of York shall be carried on and completed by the said treasurer of the county of York.

Sale of land where returns have been already made.

**12.** Schedule K to the said Act is amended by adding after the word "mayor," wherever it occurs in the same schedule, the word "reeve," and by adding after the word "town," wherever it occurs in the said schedule, the words "or township."

55 V. c. 48, sched. K, amended.

**13.** This Act shall not in any way alter or affect the Act passed in the 58th year of her Majesty's reign, intituled, *An Act respecting the Township of York*, or the by-laws confirmed by the said Act.

58 V. c. 94, not affected.

## CHAPTER 59.

## An Act respecting Travelling Shows, Circuses and other Exhibitions.

*Assented to 7th April, 1896.*

Preamble.

**W**HEREAS it has been found necessary, in the interests of the due administration of justice, and for the protection of the public attending places where travelling shows and exhibitions of various kinds are held, owing to the numerous class of professional criminals who resort thither, that detective officers should be detailed by the Crown to visit such places, and great expense is thereby incurred; and whereas it is reasonable and proper that the expense, or a portion thereof, should be borne by the persons who profit directly by such travelling shows;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Circuses not to be exhibited without a license.

**1.** No travelling menagerie, circus, wild west show, or other travelling show of a similar nature, except where the same shall be shown as part of any industrial exhibition, shall be exhibited at any place in this Province unless the owner, proprietor, manager, agent, or person in charge of the show, shall first obtain a license for that purpose from the Provincial Treasurer.

Small shows.

**2.** In the case of a small show the Lieutenant-Governor may at his discretion authorize the issue of a license for a smaller license fee, or may exempt the same from more than a nominal fee.

License fee.

**3.** Every applicant for a license under section 1 of this Act shall make and file in the office of the Provincial Treasurer a statutory declaration setting forth the number of days upon which the show is to be exhibited in this Province, and the localities in which the performances or exhibitions are to be

held



held, and shall for such license pay to the Provincial Treasurer for the use of the Province, the sum of \$50 for every day upon which the show is licensed to be so exhibited, in addition to any fee payable under municipal by-laws.

4. Upon receiving such statutory declaration, and upon payment of the said license fee, the Provincial Treasurer may, in his discretion, issue a license to the applicant, and after the issue of any such license the Provincial Treasurer may at any time revoke the same upon being satisfied that the shows given are made the occasion for violations of the law on the part of the licensee, or on the part of persons connected with or taking part in such shows; provided, that in case of any revocation of a license, the amount paid for the same shall be returned to the licensee by the Provincial Treasurer, less the sum of \$50 per day for every day during which exhibitions have been previously given under such license.

Power to issue and revoke license.

Proviso.

5. Any person being the owner, proprietor, manager, or any other person in charge of any such show, as mentioned in the first section, who shall exhibit the same or any part thereof, without having first obtained a license so to do as required by this Act, shall be guilty of an offence against this Act, and shall, on conviction thereof, forfeit and pay a penalty of not less than \$100, besides costs, and not more than \$200, besides costs, for every day upon which such show or any part thereof shall have been exhibited at any place in this Province, and in default of payment thereof, he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period of not exceeding thirty days.

Penalty for unlicensed exhibitions.

6. It shall be the duty of any inspector of criminal investigation who may be detailed for that purpose, to be present at every place at which any show, horse race, or exhibition to which any of the provisions of this Act apply is to be so exhibited, and it shall further be his duty to institute prosecutions in case of any violation of the law at such exhibitions, and in every way to protect the public attending the same from fraud and imposture, and he shall report thereon from time to time as the Attorney-General may direct.

Inspectors of criminal investigation to be present at exhibitions.

7—(1) The inspectors of criminal investigation of the Dominion of Canada and of the Province of Ontario and every Dominion and Provincial constable receiving a salary from the Government shall have access free of charge to every menagerie, circus, or other like show usually exhibited by showmen, and to every horse race, agricultural, horticultural or industrial exhibition, and to the grounds, tents and buildings in which such shows, races or exhibitions are held, and every part thereof during the hours in which the public are admitted to such grounds and buildings, and any person

Provincial and Dominion detectives and constables to have free access to all shows.

obstructing,

obstructing, hindering or neglecting to give free access to any such inspector or constable in the exercise of the rights conferred by this section, after such inspector or constable has demanded admission and displayed his badge of office, shall be liable, on summary conviction thereof, to a fine not exceeding \$50 and not less than \$20, and to imprisonment for any term not exceeding six months.

(2) Upon application made by the Department of Justice for the Dominion of Canada or by the Attorney-General of Ontario, free passes, admitting to the said shows, races and exhibitions, and every part thereof, shall be furnished by the manager or secretary for the use of constables other than those of the classes above mentioned.

(3) This section shall apply to the shows, races and exhibitions which require a license, as well as to those which do not require a license.

Prosecutions.

Rev. Stat.  
c. 74.

8. All prosecutions under this Act may be brought and heard before any two of Her Majesty's justices of the peace in and for the county where the offence was committed, and in cities and towns where there is a police magistrate, before such police magistrate, and, save where otherwise provided by this Act, proceedings shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to the General Sessions*. All penalties recovered under this Act, and all fees paid for licenses under the provisions of this Act, shall be paid over to the Treasurer of the Province of Ontario, and shall form a fund for defraying the expenses incurred in carrying out the provisions of this Act

## CHAPTER 60.

An Act revising and consolidating the Acts to  
Encourage the Planting and Growing of Trees.*Assented to 7th April, 1896.*

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. This Act may be cited as *The Ontario Tree Planting Act, 1896.* R. S. O., 1887, c. 201, s. 1. Short title.

2.—(1) A person owning land adjacent to any highway, public street, lane, alley, place or square in this Province may plant trees on the portion thereof contiguous to his land, but no tree shall be so planted that the same is or may become a nuisance in the highway or other public thoroughfare, or obstruct the fair and reasonable use of the same. Planting trees on highways, etc.

(2) Any owner of a farm or lot may, with the consent of the owner or owners of adjoining lands, plant trees on the boundaries of the adjoining lot. Trees on boundary lines.

(3) Every tree so planted on such highway, street, lane, alley, place or square shall be deemed to be the property of the owner of the lands adjacent to such highway, street, lane, alley, place or square, and nearest to such tree, and every such tree so planted on a boundary line aforesaid shall be deemed to be the common property of the owners of the adjoining farms or lots. Property in trees planted by owners.

(4) Every growing tree, shrub or sapling whatsoever, planted or left standing on either side of a highway for the purposes of shade or ornament, shall be deemed to be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. R. S. O., 1887, c. 201, s. 3. Property in shade and ornamental trees.

3.—(1) The council of any municipality may pass a by-law for paying out of municipal funds a bonus or premium not exceeding twenty-five cents for each and every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, Municipal by-laws for granting tree bonuses.

maple, oak, pine, sassafras, spruce, walnut or whitewood tree, which shall, under the provisions of this Act, be planted within such municipality on any highway, or on any boundary line of farms as aforesaid, or within six feet of such boundary.

Inspector of trees.

(2) Such by-law may further provide for the appointment of an inspector of trees so planted; for their due protection against injury and against removal by any person or persons, including the owner, excepting as authority may be given therefor by special resolution of the council; for the conditions on which bonuses may be paid, and generally for such regulations as are authorized by sub-sections 20 and 20a of section 479 of *The Consolidated Municipal Act, 1892*. R.S.O. 1887, c. 201, s. 4.

55 V. c. 42.

Report of inspector on state of trees.

4. The inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus or premium under the by-law, the number of trees of each species planted, and the amount of bonus or premium to which each person is entitled, and certifying that the trees have been planted for a period of three years, and that they are alive, healthy and of good form; and upon the adoption of such report the bonuses or premiums shall be paid; provided that in no case shall the council be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. R. S. O. 1887, c. 201, s. 5; 53 V. c. 60, s. 1.

Right of refund from Province for bonuses paid under former Acts.

5. Where a municipality has prior to the passing of this Act passed a by-law under the authority of section 4 of *The Ontario Tree Planting Act* for granting bonuses for tree planting and has paid or has become liable under the said by-law for the payment of any premium or bonus with respect to trees planted prior to the passing of this Act, the Treasurer of the Province, out of any sum which may be voted by the Legislature for that purpose, upon receiving a copy of the inspector's report, certified by the reeve and clerk, may recoup to the treasurer of the municipality one-half of the sum paid by the municipality under the said by-law, the said report to be forwarded to the Treasurer on or before the 1st day of November in each year.

Penalties for injuring trees on highways.

6.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon any road or highway, or upon any public street, lane, alley, place or square in this Province (or upon any boundary line of farms, if any such bonus or premium as aforesaid has been paid therefor), or suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by special resolution of the council of the municipality, shall, upon

conviction



conviction thereof before a justice of the peace, forfeit and pay such sum of money, not exceeding \$25 besides costs, as such justice may award, and in default of payment the same may be levied on the goods and chattels of the person offending, or such person may be imprisoned in the common gaol of the county within which the municipality is situate for a period not exceeding thirty days.

(2) One-half of such fine shall go to the person laying the information, and the other half to the municipality within which such tree was growing. R. S. O. 1887, c. 210, s. 8.

7. Any person who ties or fastens any animal to, or injures or destroys any tree growing for the purposes of shade or ornament upon any boundary line between farms or lots, or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree, without the consent of the owner or owners of such tree, shall be subject to the like penalties and liable to be proceeded against and dealt with as provided in the preceding section. R. S. O. 1887, c. 201, s. 9.

Injuring trees  
on boundary  
lines.

8. The council of every municipality may pass by-laws: Municipal by-laws.

(1) To regulate the planting of trees upon the public highway;

(2) To prohibit the planting upon the public highways of any species of trees which they may deem unsuited for that purpose;

(3) To provide for the removal of trees which may be planted on the public highway contrary to the provisions of any such by-law. R. S. O. 1887, c. 201, s. 10.

9. *The Ontario Tree Planting Act* and the Act passed in the 53rd year of Her Majesty's reign, chaptered 60, are repealed. Rev. Stat. c. 201, and 53 V. c. 60 repealed.

## CHAPTER 61.

## An Act respecting the Inspectors of Fruit Trees

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

56 V. c. 42,  
s. 4, amended.

1. Section 4 of *The Yellows and Black Knot Act, 1893*, is amended by inserting the word “county” before the word “city” in the first line of the said section.

56 V. c. 42,  
s. 4, amended.

2. The following shall be added as sub-section 3 of section 4 of said Act:—

Duties of  
county  
inspector.

(3) Where an inspector is appointed by a county council, his duties shall be to aid and assist the local inspectors in enforcing the provisions of this Act, and where no local inspector is appointed by a municipality the inspector appointed by the county council shall have all the powers of a local inspector within such municipality.

## CHAPTER 62.

An Act to amend the Act to Prevent the Profanation  
of the Lord's Day.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

1.—(1) Section 1 of the *Act to Prevent the Profanation of the Lord's Day* is amended by inserting the word "farmer" immediately after the word "tradesman" in the first line of the said section. Rev. Stat. c. 203 s. 1, amended.

(2) Nothing herein contained shall be construed as an interpretation of the said section 1, or as limiting the effect thereof.

---

## CHAPTER 63.

## An Act to provide for the Inspection of Meat and Milk Supplies of Cities and Towns.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-laws for establishing slaughter-houses, cattle-yards or pens.

1—(1) The municipal council of every city or town may by by-law provide for the establishment of a public slaughter house, or abattoir within the limits of the municipality, or in such adjoining municipality as shall by by-law sanction its erection therein, and for the construction of cattle-yards and pens for the proper keeping therein of animals intended for slaughter, and for charging fees to defray the costs incurred by the local board of health in carrying out the provisions of this Act.

Regulation of slaughter-houses, etc.

(2) Every such slaughter house, or abattoir and cattle-yard and pen, shall be constructed, equipped and regulated in conformity with any regulations in that behalf, from time to time adopted by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council.

Local board of health to have control.

2.—(1) The local board of health of every city or town in which such slaughter house or abattoir, cattle-yards or pens may be established shall have the control and supervision of the same, and shall be responsible for the due carrying out of the regulations of the Provincial Board of Health made in connection therewith; and the costs of the supervision and inspection carried out under this Act, and of any regulations made under it with regard to slaughter-houses or abattoirs, or cattle-yards or pens, or in carrying out any other provisions of this Act, shall be paid from time to time by the treasurer of the city or town out of the fees charged for such slaughter or inspection, on the order of the local board of health.

Rev. Stat. c. 205.

(2) The powers conferred upon local boards of health and their officers by section 99 of *The Public Health Act* shall apply in the supervision and inspection carried on under this Act.



3. The local board of health of every city and town where such cattle-yards and pens are established, may employ one or more competent persons, approved of by the medical health officer, to inspect at such slaughter house or abattoir, or at such cattle-yards or pens, all animals, carcasses and meat brought into the municipality and intended for human food. Veterinary surgeons to be employed for inspecting animals and meat.

4.—(1) The local board of health of every city and town may, in addition to periodical examinations as to purity of public milk supplies, and as to the sanitary condition of the byres, or places where cows for public milk supplies are kept inspect every milch cow kept therein, as to its general health. In addition to such general inspection the local board of health may provide for the testing with tuberculin by a registered veterinary surgeon of every cow kept in such byres or places for the diagnosis of tuberculosis. Inspection of milch cows.

(2) Every cow may be tested, and thereafter dealt with according to the methods set forth in the regulations adopted by the Provincial Board of Health, and approved of by the Lieutenant-Governor in Council. Testing cows.

5. Any meat-packing establishment heretofore or hereafter erected within the limits of any municipality in Ontario shall be subject to inspection in a manner similar to that of the municipal slaughter house or abattoir. Inspection of meat-packing establishments.

---

## CHAPTER 64.

## An Act respecting Bake Shops.

*Assented to 7th April, 1896.*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Short title.

1. This Act may be cited as *The Bake Shops' Act, 1896.*

Interpre-  
tation.

2. In the construction of this Act the following words shall have the meanings hereinafter expressed, unless a contrary intention appears:

"Bake shop."

(1) The word "bake shop" shall mean any building, premises, workshop, structure, room, or place wherein is carried on the manufacture, for sale, of confectionery, or of bread, biscuits, cakes or any other food product made from flour or from meal, or from both, in whole or in part, and the said bake shop shall include also any room or rooms used for storing the flour or meal, and also any room or rooms used for storing the confectionery, bread, cakes, biscuits, and other food products.

"Inspector."

Rev. Stat.  
c. 208.

(2) The word "inspector" shall mean any inspector appointed by order of the Lieutenant-Governor in Council under the provisions of *The Ontario Factories Act*, or any inspector appointed by order of the Lieutenant-Governor in Council for the enforcement of this Act.

"Employer."

(3) The word "employer" shall mean any person who in his own behalf, or as the manager, superintendent, overseer, or agent for any person, firm, company or corporation has charge of any bake shop, or employs any person or persons therein.

"Week."

(4) The word "week" shall mean the period between midnight on Sunday night and midnight on the succeeding Saturday night.

Construction  
of bake shops.

3. All bake shops, to which this Act applies, shall be constructed as to lighting, heating, ventilating and draining in such a manner as not to be detrimental or injurious to the health

health of any person working therein, and shall also be kept at all times, in a clean and sanitary condition, so as to secure the production and preservation of all the food products thereof in a good, wholesome condition.

4. Every bake shop shall be provided with a proper wash-room, closet, and other conveniences necessary for the health and comfort of the persons employed therein, the wash-room, closet and other conveniences to be separate from the bake shop; and such wash-room, closet and other conveniences shall be kept clean and in a sanitary condition. Conveniences for employees.

5. The sleeping place or places of the employees of every bake shop shall be entirely separate from the bake shop, and no person shall be allowed to sleep in such bake shop. Sleeping place not to be in bake shop.

6. Every bake shop shall be provided with proper means and facilities of escape in case of fire, such means or facilities to be to the satisfaction of the inspector empowered by this Act to inspect such bake shops. Fire escape.

7. No employer shall require, permit or suffer any employee in any bake shop to work more than sixty hours in any one week, except by permission of the inspector, given in writing to the employer. Hours of labour.

8. No employer shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofula, or with any venereal disease, or with any communicable skin disease, and every employer is hereby required to maintain himself and his employees in a clean and healthy condition while engaged in the manufacture, handling or sale of such food products. Persons affected with certain diseases not to work in bake shops.

9. The inspectors appointed under *The Ontario Factories' Act* are hereby appointed inspectors under this Act, for the purpose of enforcing it, and the Lieutenant-Governor in Council may, in addition, appoint one or more persons as inspectors under this Act, for the purpose of enforcing it, and these inspectors shall have full powers, at all times, to enter and inspect all bake shops, and to institute proceedings at law for the enforcement of this Act. Inspector.

10. Any employer who violates any section of this Act, or who refuses the inspector admittance to his bake shop, or who neglects or refuses to comply with any lawful requirement of the inspector in connection with the enforcement of this Act, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than twenty dollars, besides costs, and not more than forty dollars, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than fifty dollars, besides costs, and not more Penalty.

more than one hundred dollars, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence is committed, for a period not exceeding thirty days, and to be kept at hard labor at the discretion of the convicting magistrate; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for a period not exceeding six months, to be kept at hard labor, in the discretion of the convicting magistrate.

Recovery  
of penalties.

**11.** All prosecutions under this Act shall be brought by the inspectors or any one of them and shall be heard before any two of Her Majesty's justices of the peace in and for the county where the penalty was incurred or the offence was committed or wrong done, and in cities and towns in which there is a police magistrate, before such police magistrate, and save where otherwise provided by this Act the procedure shall be governed by the *Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*.

Rev. Stat.  
c. 74.

Act not to in-  
terfere with  
local boards  
of health.

**12.** Nothing in this Act shall in any way conflict or interfere with the powers and the duties of local boards of health or the officers appointed under *The Public Health Act*.



## CHAPTER 65.

## An Act to amend The Line Fences Act.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 9 of *The Line Fences Act* is amended by inserting after the word “immediately” in the sixth and seventh lines thereof the words “take proceedings to,” and by adding to the said section the following proviso: Rev. Stat. c. 219, s. 9, amended.

Provided, nevertheless, that instead of requiring execution to be issued upon such judgment the party entitled to enforce the judgment may obtain a certificate from the clerk of the division court of the amount due for debt and costs in respect of such judgment, and shall be entitled upon lodging the same with the clerk of the municipality to have the amount so certified placed upon the collector's roll, and the same may be collected in the same manner as taxes are collected and shall, until so collected or otherwise paid, be a charge upon the lands liable for the payment thereof, and in such case execution shall not thereafter issue on such judgment. Collection of debt and costs as taxes.

## CHAPTER 66.

## An Act to amend The Drainage Act, 1894.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

57 V. c. 56, s. 9  
amended.

1. Section 9 of *The Drainage Act, 1894*, is amended by adding thereto the following sub-section:

Notice of  
assessment.

(7) Forthwith upon the filing of the engineer's report with the clerk of the municipality, the clerk shall by letter or postal card, notify the parties assessed of such assessment, and of the amount thereof.

57 V. c. 56, s.  
81, amended.

2. Section 81 of *The Drainage Act, 1894*, is amended by adding the following sub-section thereto:—

Commission-  
ers of pump-  
ing works.

(2) Upon the petition of two-thirds of the resident owners in the drainage territory, the council of the municipality may pass by-laws empowering the commissioner or commissioners appointed under this section to use all buildings, machinery and equipments belonging to and in connection with any drainage pumping works, and to operate the same for such purposes and upon such terms as may be set forth in such by-laws upon the condition that the profits or benefits of such user shall accrue to the owners.

## CHAPTER 67.

An Act to amend The Ditches and Watercourses  
Act, 1894.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :—

1. Section 5 of *The Ditches and Watercourses Act, 1894*, is 57 V. c. 55, s.  
amended by striking out the words “two-thirds” in the fifth <sup>5, amended.</sup>  
line thereof and substituting therefor the words “a majority.”

## CHAPTER 68.

## An Act to make further provisions for the Protection of Game.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Deer not to be hunted or killed in the water.

1. No person shall at any time hunt, pursue, kill, wound or capture any deer in the waters of any river or lake within the limits of the Province of Ontario, or immediately after leaving such waters, and any person carrying a rifle, carbine or shot gun, and stationed in a canoe, skiff, punt or boat of any kind, at or near any place where hunted deer are likely to enter the water during the open season, shall *prima facie* be deemed to be engaged in hunting or pursuing deer within the meaning of this section.

Deer not to be killed without a license.

2.—(1) No person who is a resident of and domiciled in the Province of Ontario shall hunt, take, kill, wound or destroy any deer without first having obtained a license in that behalf under the provisions hereinafter set forth.

Signing and countersigning license.  
Fee for license.

(2) Every such license shall be signed by the Chief Fish and Game Warden and countersigned by the Provincial Secretary or his deputy, and shall be in force for one season only, and the fee for such license shall be two dollars.

Shipping coupons to be attached to license.

(3) There shall be attached to each license two shipping coupons, one of which shall be signed and detached by the person to whom the license is issued in the presence of the shipping agent at the point of shipment and attached to each deer or part of a deer about to be shipped, and such coupon shall be cancelled by the carrier on arrival at the point of destination by writing across the face thereof "cancelled."

56 V. c. 49  
s. 2, sub-s. 5,  
repealed.

(4) Sub-section 5 of section 2 of *The Ontario Game Protection Act, 1893*, is hereby repealed and the following substituted therefor :



- (5) No common carrier or other person shall transport or have in possession for that purpose in this Province after the same has been killed any wild deer, or the raw skin thereof, or any venison, save only from the first day of November to the twenty-second day of November in each year, unless accompanied by an affidavit that the same was hunted and taken during the open season, and unless there be attached thereto one of the shipping coupons belonging to the license authorizing the shipper to hunt or kill deer as provided by this Act. Transportation of deer.

(5) The said license to hunt deer and the shipping coupons thereto attached may be in the form set forth in the schedule to this Act, and shall be printed upon strong manilla paper, and shall be issued by the Chief Game Warden and the Wardens upon application therefor. Form of license and coupons.

(6) Every person engaged in the hunting or killing of deer shall on request by any person whomsoever, at all reasonable times and as often as reasonably requested, produce and show such license to the person making the request; and if he shall fail or refuse to do so he shall forfeit any such license he may possess, and shall if found hunting, taking, pursuing, killing, wounding or destroying any deer animal, and on proof of such request and failure or refusal, be deemed to have violated the provisions of this section. License to be produced when required.

(7) Any person offending against any of the provisions of this Act shall be liable for each offence to a fine not exceeding \$50 and not less than \$20, together with the costs of prosecution, and in default of immediate payment of such fine and costs shall be imprisoned in the common gaol of the county where such conviction shall take place for a period not exceeding three months. Penalty.

(8) The provisions of this section shall, as to Indians and settlers in any unorganized township or territory not divided into townships, or territory where deer are found, be subject to the provisions of section 27 of *The Ontario Game Protection Act, 1893*. Application of section to Indians and settlers. 56 V. c. 49.

3. Notwithstanding anything to the contrary in *The Ontario Game Protection Act, 1893*, or any Acts amending same, the Lieutenant-Governor in Council may, by Order in Council in that behalf, designate certain counties or portions of counties in the Province in which it shall be unlawful to hunt, take, pursue, kill, wound or destroy any deer animal at any time of the year, subject to such reservations in favor of the residents or settlers in such counties as may be deemed reasonable. Setting apart counties in which deer shall not be killed.

4. The Lieutenant-Governor in Council may, by order in Council in that behalf, make special provisions for regulating the shooting, hunting, taking or killing of any bird or fowl protected Regulation of the killing of birds near Rondeau Park.

protected by the provisions of the said Act within two miles of Rondeau Park or within Rondeau Harbor, and such regulations shall be read with and be as binding as if they formed part of section 8 of chapter 56, passed in the fifty-eighth year of Her Majesty's reign; and any person violating any of the provisions of the said regulations shall be liable for each offence to the fine and costs of prosecution in the said section 8 provided.

56 V. c. 49,  
s. 22,  
amended.

5. Section 22 of the said Act is amended by inserting after the words "confiscated and" in the second line thereof the words "forwarded to the Chief Game Warden to be."

56 V. c. 49,  
s. 14, sub-s. 1  
amended.

6. Sub-section 1 of section 14 of the said Act is amended by striking out the words "or Quebec" in the second line thereof.

56 V. c. 49,  
s. 27, sub-s. 1  
amended.

7. Sub-section 1 of section 27 of the said Act is amended by adding thereto the following words:—Provided that no settler shall hunt, take, kill or have in his possession any moose, elk, reindeer or caribou before the first day of November, 1900.

Act to be read  
with 56 V. c.  
49.

8. This Act shall be read with and as forming a part of *The Ontario Game Protection Act, 1893.*

## SCHEDULE.

### LICENSE TO HUNT DEER.

Province of Ontario,  
License No.

I, \_\_\_\_\_, Chief Game Warden of the  
Province of Ontario, do hereby certify that  
\_\_\_\_\_, has satisfied me that he is a resident of  
the \_\_\_\_\_ of \_\_\_\_\_ in the county of \_\_\_\_\_  
and domiciled in the Province of Ontario; and I do  
further certify that he has paid me the sum of \$ \_\_\_\_\_  
provided by law for a license for residents of Ontario,  
and is entitled to hunt deer in the Province of Ontario,  
for the open season in the year 189 \_\_\_\_\_. He states  
his age to be \_\_\_\_\_ years, has \_\_\_\_\_ hair,  
\_\_\_\_\_ eyes, and \_\_\_\_\_

Chief Game Warden.

Countersigned,

Provincial Secretary.

Open season from the first day of November to the  
fifteenth day of November, both inclusive.

SHIPPING COUPONS.

Open season from the first day  
of November to the fifteenth  
day of November, both in-  
clusive.

Coupon No. 1, to License No.                      issued by  
the chief game warden for the Province of Ontario,  
for permit to kill and ship deer.

This coupon will allow holder to ship one deer to  
any point in Ontario, and said coupon must accom-  
pany it.

.....  
Licensee.                      Chief game warden

Witness to signature  
of Licensee :  
.....



Open season from the first day  
of November to the fifteenth  
day of November, both in-  
clusive.

Coupon No. 2, to License No.                      issued by  
the chief game warden for the Province of Ontario,  
for permit to kill and ship deer.

This coupon will allow holder to ship one deer to  
any point in Ontario, and said coupon must accom-  
pany it.

.....  
Licensee.                      Chief game warden.

Witness to signature  
of Licensee :  
.....



## CHAPTER 69.

## An Act consolidating and revising the Laws respecting the Education Department.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advise and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Education Department Act, 1896.*

Department established.

2. There shall continue to be a Department of Education which shall consist of the Executive Council, or a committee thereof, appointed by the Lieutenant-Governor; and one of the said Executive Council, to be nominated by the Lieutenant-Governor, shall hold the office of "Minister of Education." 54 V. c. 54, s. 2.

Jurisdiction of the Department.

3. Subject to any statute in that behalf the Education Department shall have the management and control of the following, namely: Kindergartens, Public and Separate Schools, High Schools and Collegiate Institutes, Art Schools, Model Schools, Normal Schools, the School of Pedagogy, to be hereafter known as the Ontario Normal College, Teachers' Institutes and Public Libraries; with power to appoint such inspectors, teachers and other officers for instruction and supervision as may be deemed expedient. 54 V. c. 54, s. 3.

Powers of department to make regulations as to certain matters.

4. The Education Department shall have power, subject to the provisions of any statute in that behalf, to make regulations:—

(1) For the classification, organization, government and examination of all schools and institutes hereinbefore mentioned, and for the equipment of school houses and the arrangement of school premises; and for determining the fees to be paid by candidates at departmental examinations;

(2)



(2) For the authorization of text-books for the use of pupils and teachers in training attending such schools or institutes, and for the selection of books of reference for the use of teachers and pupils, and for the management of public and school libraries ;

(3) For determining the qualifications and duties of inspectors, examiners and teachers of such schools and institutes, and for the appointment from time to time of such examiners as may be requisite for that purpose ;

(4) For the payment of the allowances of superannuated inspectors and teachers, and the distribution of all moneys set apart by the Legislative Assembly for educational purposes.

(5) For extending on such evidence as to efficiency as may be deemed necessary, any certificate issued under the authority of *The Public Schools Act* ;

54 V. c. 55.

(6) For the study of agriculture, domestic economy and for scientific instruction as to the nature of alcoholic stimulants and narcotics with special reference to their effect upon the human system ;

(7) For affiliating with the Ontario Normal College such high schools or collegiate institutes as may be necessary for practical instruction in the art of teaching ;

(8) For accepting in lieu of the annual departmental examination, the certificate of any normal school or the examination of any university in the British Dominions ;

(9) For setting apart a separate school in any city or county as a model school for the training of teachers for separate schools, and in such case, appointing a competent person possessing the qualifications prescribed by *The Public Schools Act*, to be a member of the county board of examiners of such city or county in addition to the number now authorized. 54 V. c. 54, ss. 4, 5.

Educationa  
Council, how  
composed.

5.—(1) For the purpose of conducting examinations prescribed by the regulations of the Education Department, hereinafter called departmental examinations, there shall be established an Educational Council to be composed of the President of the University of Toronto and ten other persons appointed by the Lieutenant-Governor in Council. Such appointments shall be made on or before the 15th day of October in each year.

(2) The first meeting of the council in each year shall be called by the Minister of Education. The Council shall have power to appoint its own chairman, and to hold such meetings from time to time as may be necessary for the transaction of its proper business. Four members shall form a quorum. The registrar of the Council shall be appointed by the Education Department.

(3)

Powers  
Council.

(3) The Council shall, subject to the regulations of the Education Department, appoint examiners for the purpose of preparing examination papers for departmental examinations and for reading the answer papers of all candidates at such examinations; the council shall have power to direct the conduct of examiners during the reading of the answer papers, and to settle the results of such examinations and shall report the same to the Minister of Education.

Neglect of  
duties.

(5) Should the Council fail or neglect to perform any of the duties herein assigned, then such duties may be performed by the Education Department.

Powers of  
Minister.

6. It shall be the duty of the Minister of Education and he shall have power:—

Apportion-  
ment of  
grant.

(1) To apportion all sums of money voted by the Legislative Assembly for public and separate schools among the several counties, townships, cities, towns, and incorporated villages according to the population in each as compared with the whole population of the Province, as shewn by the last annual returns received from the municipal clerks, (provided that the amount payable in every rural school in the territorial districts shall be at least \$100), and to see that the money so apportioned is paid on or before the first day of July in each year to the treasurer of every county, city, town and village as the Lieutenant-Governor in Council may direct. 54 V. c. 55, s. 122 (1-2).

Grant payable  
on the first of  
July in each  
year.

Division  
between pub-  
lic and sepa-  
rate schools.

(2) To divide the amount so apportioned between public and separate schools according to the average number of pupils attending such schools respectively, during the next preceding twelve months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R. S. O. 1887, c. 227, s. 59.

Distribution  
of grant.

(3) To direct the county inspector to distribute among the school sections of each township under his jurisdiction the public school grant according to the average attendance of pupils at each public school as compared with the whole average number of pupils attending the public schools of the township. All such grants shall be payable by the township treasurer to the order of the secretary or secretary-treasurer of the board of trustees on the inspector's order. Notice of such distribution shall be given by the inspector to the trustees concerned. 54 V. c. 55, s. 123.

High School  
grant, how  
paid.

(4) To apportion all sums of money voted by the Legislative Assembly for high school purposes among the several high schools of the Province subject to the regulations of the Education Department on the basis of average attendance, the salaries paid to teachers, the provision made for teaching the subjects on the course of study, the extent and suita-

bility

bility of the school site, and the character and equipment of the school buildings and their appendages; to give notice of such apportionment to the county clerk of each county, and to see that the same is paid to the high school treasurer as the Lieutenant-Governor in Council may direct. 54 V. c. 57, ss. 43, 44.

(5) To apportion out of any grant made by the Legislative Assembly for such purposes, all sums payable under any statute in that behalf towards the maintenance of the normal college, normal schools or other schools or institutes for the training of teachers, county model schools, public libraries, art schools, inspection of schools, and the examination of teachers, and all other incidental departmental expenses subject to the regulations of the Education Department. Other grants, how paid.

(6) To submit a case on any question arising under *The Public Schools Act* or *The High Schools Act*, or under *The Separate Schools Act* to any Judge of the High Court for his opinion and decision, or, with the consent of such Judge, to a Divisional Court of the said High Court for its opinion and decision. 54 V. c. 54, s. 7. Minister may submit questions arising upon school law to High Court.

(7) To decide upon all disputes and complaints laid before him the settlement of which is not otherwise provided for by law, and upon all appeals made to him from the decision of any inspector or other school officer. 54 V. c. 54, s. 8. Power to settle disputes and complaints

(8) To appoint one or more persons, as he may deem expedient, to inquire into and report to him upon any school matter. Such person or persons, or any of them, shall have power to administer oaths to witnesses, or require them to make solemn affirmation of the truth of the matters they may be examined upon. 54 V. c. 55, s. 177. Power to appoint commissioners.

(9) To apply to the High Court for a writ of subpoena *ad testificandum* and also *duces tecum* upon the *præcipe* of the Minister of Education therefor, containing the names of the witnesses intended to be summoned thereby, such writ to be directed to the person who is required to attend and give evidence under oath, at such times, and places, and before such person or persons as the Minister shall appoint, and default of any person in obeying such subpoena shall be punishable as in any action or cause in the said Court. 54 V. c. 55, s. 178. Compelling attendance of witnesses.

(10) To report annually to the Lieutenant-Governor upon all the schools and institutes herein mentioned, with such suggestions for promoting education generally as he may deem expedient. 54 V. c. 54, s. 6. Annual report to be made by Minister of Education.

7. Except as provided in sections 3 and 4 of this Act nothing in this Act contained shall be deemed, taken or construed as, in any manner or for any purpose, altering, varying or affecting any power, right or authority which, before the passing of this Act, was by law vested in or held, had or possessed Powers of minister as to separate schools not affected.

possessed by the Minister of Education or the Department of Education in respect either to Roman Catholic Separate Schools or of any matter or thing whatsoever pertaining to or affecting said Separate Schools. 54 V. c. 54, s. 11.

Regulations  
and Orders in  
Council to be  
laid before the  
Legislative  
Assembly.

8.—(1) Every regulation or Order in Council made under this Act or under the public, separate or high schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such regulation or Order in Council, and if the Legislature is not in session such regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such regulation or Order in Council is made ;

(2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation or Order in Council either wholly or of any part thereof, the regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed. 54 V. c. 54, s. 9.

54 V. c. 54,  
repealed.

9. Chapter 54 of the Acts passed in the 54th year of Her Majesty's reign intituled "*An Act Consolidating and Revising the Laws respecting the Education Department*" is repealed, and this Act shall be deemed to be substituted therefor.



## CHAPTER 70.

## An Act Consolidating and Revising the Public Schools Acts.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Public Schools Act, 1896.*" Short title.
2. Where the words following occur in this Act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears. Interpretation.
1. "Teacher" shall mean any person holding a legal certificate of qualification; "Teacher."
2. "County" shall include a union of counties; "County."
3. "Township" shall include unions of townships made for municipal purposes; "Township."
4. "School site" shall mean such area of land as may be necessary for the school house, teacher's residence, caretaker's residence, offices and playgrounds connected therewith; "School site."
5. "School section" shall mean the municipality or any portion thereof, or any portion of two or more municipalities under one public school corporation; "School section."
6. "Owner" shall include a mortgagee, lessee or tenant, or other person entitled to a limited interest, and whose claims may be dealt with by arbitration as herein provided; "Owner."
7. "Ratepayer" shall mean any person entered on the last revised assessment roll of the school section for public school rates; "Ratepayer."
8. "Board of trustees" shall include a board of education in all cases of a union between public and high school trustees. "Board of trustees."
- 54 V. c. 55, s. 2 (1-8).
9. "Urban municipality" shall mean a city, town or incorporated village. "Urban municipality."
- 10.

10. "The Municipal Act" shall mean *The Consolidated Municipal Act, 1892*, or in case such Act shall be amended or repealed, and amended provisions or new provisions substituted, dealing with the matter to which the sections of this Act mentioning "The Municipal Act" refer, then the said expression shall refer to the said Act as amended or the Act containing such new provisions.

Application of regulations under 54 V. c. 54.

3. All regulations made under the *The Education Department Act, 1891*, shall apply to any matter or thing in this Act contained, so far as the same may be consistent with this Act, though not specially referred to in any section thereof. 54 V. c. 55, s. 3.

No rate on supporters of Roman Catholic separate schools.

4. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes shall apply to the supporters of Roman Catholic separate schools. 54 V. c. 55, s. 4.

Existing school arrangements continued.

5. All boards of education, and all public school sections or other public school divisions, together with all elections of trustees and appointments to office, all agreements, contracts, assessments, and rate-bills heretofore duly made in relation to public schools, and existing when this Act comes into force, shall continue subject to this Act. 54 V. c. 55, s. 5.

#### PUBLIC SCHOOLS TO BE FREE.

Public schools to be free.

6. All schools established under this Act shall be called public schools and shall be free schools, and every person between the age of five and twenty-one years shall have the right to attend some school. Pupils may attend kindergarten schools from four to seven years of age, subject to such fees as to the trustees may seem expedient.

#### RELIGIOUS INSTRUCTION.

Religious exercises.

7.—(1) No person shall require any pupil in any public school to read or study in or from any religious book, or to join in any exercise of devotion or religion, objected to by his or her parents or guardians.

(2) Pupils shall be allowed to receive such religious instructions as their guardians or parents desire, according to any regulations provided for the organization, government and discipline of public schools. 54 V. c. 55, ss. 10, 11.

#### CONTINUATION CLASSES.

Continuation classes in public schools where there is no high school.

8.—(1) Subject to the regulations of the education department the school corporation of any municipality or section in which there is no high school shall have power to establish a continuation class for pupils who have completed the course of study prescribed for public schools and who have passed the

public

public school leaving examination, and also to provide for such class suitable accommodation, and to impose such fees for tuition, upon the pupils in attendance who have passed the said leaving examinations, whether residents or non-residents of the municipality, as they may deem expedient.

(2) The school corporation may admit to such continuation class pupils who have passed the entrance examination to a high school, but all such pupils who are residents of the municipality or section shall be exempted from tuition fees. Where non-residents are admitted such fees may be charged as the trustees may deem expedient.

Who may be admitted to continuation class.

(3) The course of study for continuation classes shall be the course prescribed for the primary examination of the Education Department. Teachers of continuation classes shall possess at least the qualifications of an assistant in a high school, subject to the regulations of the Education Department in that behalf.

Course of study in continuation class. Teachers.

(4) The Minister of Education may apportion to any school conducting continuation classes, out of any money appropriated by the Legislature for that purpose, a sum equal to the average amount per pupil paid by the Legislature towards the maintenance of high school pupils. The municipal council of any county may pay for the maintenance of such classes a sum equal to the legislative grant appropriated by the Minister of Education for such class or such further sums as may seem expedient.

Grant to school having continuation class.

#### SCHOOL CORPORATIONS.

9.—(1) The trustees of every school section shall be a corporation under the name of "The Board of Public School Trustees for School Section of the Township of in the County of ." 54 V. c. 55, s. 7.

Trustees to be a corporation.

(2) For every rural school section there shall be three trustees, each of whom, in rotation, shall hold office for three years, and until his successor has been elected. The persons qualified to be elected trustees shall be such persons as are British subjects and resident ratepayers or farmers' sons, within the meaning of *The Municipal Act* of the full age of twenty-one years, not disqualified under this Act.

Trustees, term of office of. Trustees, qualification of.

(3) No school corporation shall cease to exist by reason of the want of trustees, but in case of such want any two ratepayers of the section, or the inspector, may, by giving six days' notice, to be posted in at least three of the most public places of the section, call a meeting of the ratepayers, who shall proceed to elect three trustees, in the manner prescribed in section 13 and the following sections of this Act; and the trustees thus elected shall hold office in the manner prescribed by this Act.

Corporation not to cease by want of trustees. Tenure of office.

(4) When the ratepayers of any school section, for two years neglect or refuse to elect trustees, the municipal council may appoint trustees when no election.

Council may appoint trustees when no election.

Dissolution of school section on non-election of trustees.

council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers; or the municipal council may by by-law declare such section dissolved, and shall (in case of dissolution) attach the same, in such proportions as they may deem expedient, to adjoining sections. The assets of every section so dissolved shall be disposed of as may be determined by the municipal council. 54 V. c. 55, s 28 (1-2).

#### BOARDS OF EDUCATION.

Unions of public and high school boards.

**10.** The trustees of any public and high school may unite, as provided in *The High Schools Act* for the management of the public and high schools of any municipality as one corporation, under the name "The Board of Education for the city, town, incorporated village or township of" (*as the case may be*). Boards of education shall have the power of both public and high school trustees.

#### RURAL PUBLIC SCHOOLS.

School sections in townships.

**11.—(1)** The municipal council of every township (except where township boards have been established), shall subdivide the township into school sections, so that every part of the township may be included in some section, and shall distinguish each section by a number; provided that no section formed hereafter shall include any territory distant more than three miles in a direct line from the school-house.

Assessors to value lands situated in each section.

(2) Where the land or property of any individual or company is situated within the limits of two or more school sections, the parts of such land or property so situated shall be assessed and returned upon the assessment roll separately, according to the divisions of the school sections within the limits of which such land or property is situate.

Area of new school sections.

(3) No section shall be formed which contains less than fifty children, between the ages of five and twenty-one years, whose parents or guardians are residents of the section, unless such section is more than four square miles in area, except in cases where such area cannot be obtained because of lakes or other natural obstacles.

Township clerk to prepare maps of school sections.

(4) It shall be the duty of every township clerk to prepare in duplicate, a school map of the township, showing the divisions of the township into school sections and parts of union school sections; to furnish one copy of such map to the county clerk, for the use of the county council, and retain the other in the township clerk's office, for the use of the township corporation. 54 V. c. 55, ss. 12-13.

Proceedings on formation of new school section.

(5) Where a new school section is formed in any township the clerk of the township shall cause notice of the first annual meeting to be posted in three of the most public places in the new section, at least six days before the last



Wednesday in December, in the year in which such new section was formed; and the first meeting in every new school section shall be held at the same time and conducted in the same manner as the annual meeting in organized school sections. 54 V. c. 55, s. 29.

(6) At the first meeting in every new section the first trustee elected shall hold office for three years, the second for two years and the third for one year. In case of a poll being taken the trustees shall rank in seniority according to the number of votes polled. The casting vote of the chairman shall be counted as a vote in case of a tie. 54 V. c. 55, s. 30.

Term of office of trustees, first election.

**12.** Every ratepayer, of the full age of twenty-one years, who is a public school supporter of the section for which such person is a ratepayer and every person qualified to vote as a farmers' son under *The Municipal Act* shall be entitled to vote at any election for school trustee, or on any school question whatsoever.

Who may vote on school questions.

#### ANNUAL MEETING OF RATEPAYERS.

**13.—(1)** A meeting of the ratepayers of every section shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or trustees.

Annual meeting, when held.

(2) In case, from the want of proper notice or other cause, any first or annual school meeting was not held at the proper time, the inspector, or any two ratepayers in the section may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the school section; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called.

Meetings to be called in default of first or annual meeting.

(3) The ratepayers of a school section present at any school meeting shall elect one of their own number as chairman to preside over its proceedings, and shall also appoint a secretary, who shall record the minutes of the meeting, and perform such other duties as may be required of him by this Act.

Order of business.

(4) The chairman shall submit all motions to the meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of.

(5) The business of every school meeting may be conducted in the following order:—(a) receiving the annual report of the trustees, and disposing of the same; (b) receiving the annual report of the auditor or auditors, and disposing of the same;

Order of business.

(c) electing an auditor for the ensuing year; (d) miscellaneous business; (e) instructing the trustees by resolution, if deemed expedient, to insure the school buildings and furniture; (f) fixing the remuneration if any to be paid the secretary-treasurer for attending to repairs and other duties assigned him by the board of trustees; (g) electing a trustee or trustees to fill any vacancy or vacancies. 54 V. c. 55, ss. 17, 18, 19.

#### ELECTION OF RURAL SCHOOL TRUSTEES.

Poll to be granted on application of two rate-payers.

**14.**—(1) A poll may be demanded by any two ratepayers at any meeting for the election of trustees, or for the settlement of any school question, and such poll shall be granted by the chairman forthwith, if demanded, within ten minutes after the vote of the meeting has been declared from the chair.

Proceeding in case of a

(2) When a poll is granted for the election of a trustee the secretary shall enter in a poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the election within the time prescribed by this Act, and shall, in the column on which is entered the name of a candidate voted for by a voter, set the figure '1' opposite the voter's name, with the residence of the voter.

Entries in poll-book.

(3) When a poll is granted upon any public school question the name of each voter shall be similarly placed in separate columns, marked "for" or "against."

When voter is objected to.

(4) In case objection is made to the right of any person to vote at any school meeting, the chairman of the meeting, or other presiding officer, shall require such person to make the following declaration or affirmation:

Declaration.

(1) I, *A. B.*, do declare and affirm that I am an assessed ratepayer or farmer's son entitled to vote under *The Municipal Act* in school section No.

(2) That I am of the full age of 21 years;

(3) That I am a supporter of the public school in said school section No.

(4) That I have the right to vote at this election.

Whereupon the person making such declaration shall be entitled to vote. 54 V. c. 55, ss. 20-22.

When poll shall close.

(5) The poll at every election of a rural school trustee or on any school question, shall not close before twelve o'clock noon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced; and when the poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the

the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote. 54 V. c. 55, s. 23.

(6) A correct copy of the minutes of the first and of every annual and of every special school meeting, and a copy of the poll-book where a poll has been taken (all of which shall be signed by the chairman and secretary), shall be forthwith transmitted by the chairman of the meeting to the county inspector. 54 V. c. 55, s. 31.

Copy of minutes to be sent to inspector.

(7) The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to the chairman of the meeting within twenty days after the date of the election. 54 V. c. 55, s. 24.

Acceptance of office by trustees.

(8) When complaint is made to the inspector by any ratepayer that the election of a trustee, or that the proceedings or any part thereof of any school meeting, have not been in conformity with this Act, the inspector shall investigate the same, and confirm or set the election or proceedings aside, and appoint the time and place for a new election, or for the reconsideration of the school question at issue, but no complaint in regard to any election or proceeding at a school meeting shall be entertained by any inspector unless made to him in writing within twenty days after the holding of the election or meeting. 54 V. c. 55, s. 32.

Complaints as to elections.

**15.** A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. A trustee of a rural school section may resign with the consent, expressed in writing, of his colleagues in office. A retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. 54 V. c. 55, ss. 25-27.

Term of vacancies.

Trustees may resign.

Re-election of any trustee lawful.

#### ORGANIZATION OF THE BOARD.

**16.--(1)** Every board of rural school trustees shall hold its first meeting at the school house of the section over which it has jurisdiction, on the Wednesday following the annual meeting, at the hour of 4 o'clock in the afternoon and shall be organized by the election of a chairman, a secretary and a treasurer or a secretary-treasurer. A majority of the board shall form a quorum.

Organization of board.

(2) It shall be the duty of the board of trustees at its first meeting to examine the school house, outbuildings and school furniture, maps and apparatus, with a view to ascertain what repairs or improvements may be necessary, and to make suitable provision for lighting fires and keeping the school house and premises in a cleanly and sanitary condition by appointing some

Inspection of school property at first meeting of board.



some person for that purpose. Subsequent meetings shall be held as the board may deem expedient.

Security to be given by secretary-treasurer.

**17.**—(1) The treasurer or secretary-treasurer, who may be a member of the board, shall give such security as may be required by a majority of the trustees—such security to be deposited with the clerk of the municipality;

(2) The treasurer or secretary-treasurer shall receive all school moneys collected from the ratepayers or other persons and shall account for the same and shall disburse all moneys as directed by the trustees. He shall produce when called for by the trustees, auditors or other competent authority, all papers and money belonging to the corporation.

(3) Where the majority of a board of trustees refuse or neglect to take security from the treasurer or secretary-treasurer on the demand of any trustee (such demand being duly entered on the minutes) such trustee shall be relieved from all personal liability in case of the default of such officer.

Compensation of secretary-treasurer.

(4) The secretary or secretary-treasurer may be allowed such compensation for his services or for attending to the repairs of the schoolhouse or premises as shall be agreed upon by resolution of the annual meeting duly entered on the minutes. 54 V. c. 55, s. 33 (1-3).

Duties of secretary-treasurer.

**18.** It shall be the duty of the secretary or secretary-treasurer:—

Minutes of meetings.

(1) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee.

Calling special meetings.

(2) To call, at the request in writing of two trustees, or on the petition of ten ratepayers, a special meeting of the board of trustees. 54 V. c. 55, s. 34 (1-5).

Names and addresses of trustees and teachers to be given to township clerk.

(3) To give notice in writing, before the 15th day of January in each year, to the inspector and to the clerk of the township, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing from time to time of any changes therein.

Filling vacancies in board.

(4) To give the notice required by this Act of each annual school meeting of the ratepayers of the section; to call a special meeting of the ratepayers when directed by the trustees, or on the petition of ten ratepayers, for filling any vacancy in the board of trustees occasioned by death, removal, or other cause; or for the selection of a new school site; or the appointment of a school auditor; or any other lawful school purpose; and to cause notices of the time and place, and of the objects of such meeting, to be posted in three or more public places in the section, at least six days before the time of holding such meeting.

Notice.



(5) To cause to be prepared for the annual meeting of the ratepayers, a report for the year then ending, containing, among other things, a summary of the proceedings of the trustees during the year, together with a detailed account of all school moneys received and expended on behalf of the section, for any purpose whatsoever, during such year. Such report shall be signed by the trustees and by either or both of the school auditors of the section. Report at annual meeting.

(6) To transmit to the inspector all returns on or before the fifteenth day of January in each year according to the forms prescribed by the Education Department. 54 V. c. 55, ss. 34, 40 (10)(13). Annual and semi-annual returns.

**19.** No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting at which at least two trustees are present shall be valid or binding on any person affected thereby, unless notice of such meeting has been given to the trustees by the secretary, or by one of the trustees to the others, either personally or in writing, and a minute of such act or proceeding is made in writing and and signed by two of the trustees. 54 V. c. 55, ss. 35, 36. Corporate acts must be adopted at lawful trustee meetings.

**20.** The ratepayers of any rural school section may by resolution at the annual or any special meeting, authorize the trustees to provide for the admission of the pupils of such section to the schools of any adjoining city or town, subject to the approval of the Minister of Education and the trustees of such city or town, and such arrangement so approved shall be taken in lieu of the accommodation which trustees are required by this Act to make for the pupils of the section, and as a public school within the meaning of section 66 of this Act. In such cases it shall be lawful for the trustees to levy and collect upon the taxable property of the section such sums as may be necessary to pay the fees of pupils attending the schools of the city or town, and also such other sums as they may deem expedient, or as may be required by this Act. The average attendance of the pupils belonging to such section at such schools shall be taken by the inspector as the basis on which to divide any grants authorized by the Legislature to be paid to the township to which such section belongs. Providing for admission of pupils from rural school section to urban schools.

#### AUDITORS.

**21.—(1)** Every board of rural school trustees shall, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, then the inspector shall at the request in writing of any two ratepayers make the appointment; Appointment of auditors.

Trustees and secretary-treasurer to lay accounts, etc., before auditors.

(2) The trustees, or their secretary-treasurer shall lay all their accounts before the school auditors of the section, or either of them, together with the agreements, vouchers, contracts and books in their possession, and the trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditure of school moneys.

Time of audit.

(3) The auditors appointed, or one of them, shall, on or immediately after the first day of December in each year, appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the school section. 54 V. c. 55, s. 37 (1-3).

Duties of auditors.

• **22.** It shall be the duty of the auditors of every school section :—

1. To examine into and decide upon the accuracy of the accounts of the section, and whether the trustees have duly accounted for and expended for school purposes the moneys received by them, and to submit the said accounts, with a full report thereon at the next annual school meeting.

2. In case of difference of opinion between the auditors on any matter in the account, it shall be referred to and decided by the county inspector.

3. If both of the auditors object to the lawfulness of any expenditure made by the trustees, they shall submit the matters in difference to the annual meeting, which may either determine the same, or submit the matter to the Minister of Education, whose decision shall be final. 54 V. c. 55, s. 38 (1-3).

Powers of auditors.

**23.** It shall be competent for the auditors or one of them :—

(1) To require the attendance of all or any of the persons interested in the accounts, and of their witnesses, with all such books, papers, and writings as the auditor or auditors may direct them, or either of them, to produce ; and to administer oaths to such persons and witnesses.

(2) To issue their or his warrant to any person named therein, to enforce the collection of any moneys by them awarded to be paid ; and the person named in the warrant shall have the same power and authority to enforce the collection of the moneys mentioned in the said warrant, with all reasonable costs by seizure and sale of the property of the party or corporation against whom the same has been issued, as any bailiff of a division court has in enforcing a judgment and execution issued out of such court.

(3) The auditors shall remain in office until their audit is completed. 54 V. c. 55, s. 39 (1-4).

## SECTIONS IN UNORGANIZED TOWNSHIPS.

**24.**—(1) In unorganized townships in any county or district, the public school inspector of the county or district may form a portion of a township, or of two or more adjoining townships, into a school section. Formation of school sections.

(2) No section shall, in length or breadth, exceed five miles in a straight line, and, subject to this restriction, the boundaries may be altered by the inspector from time to time, and the alteration shall go into operation on the 25th day of December thereafter; provided no school section shall be formed except on the petition of five heads of families resident therein. Limits of section.

(3) Any person whose place of residence is at a distance of more than three miles in a direct line from the site of the schoolhouse of the section shall be exempt from all rates for school purposes, unless a child of such ratepayer shall attend such school; but this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles. Exemption from rates on account of distance.

(4) After the formation of a school section, it shall be lawful for any two of the petitioners, by notice posted for at least six days in not less than three of the most public places in the section, to appoint a time and place for a meeting for the election, as provided by law, of three school trustees for the section. Election of school trustees.

(5) The trustees elected at such meetings, or at any subsequent school meetings of the section, as provided by law, shall have the powers and be subject to all the obligations of public school trustees generally. 54 V. c. 55, ss. 41-44. Trustees' powers and obligations.

## REVISION OF ASSESSMENT ROLLS.

**25.**—(1) The secretary-treasurers of all boards of public school trustees in unorganized townships shall be, *ex officio*, members of a court of revision, and three of whom, acting together, shall be a legally constituted court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. The members of such court shall be paid reasonable travelling expenses by their respective boards of trustees for attendance as a court of revision. Court of Revision.

(2) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, or as near thereto as practicable, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong. Such grouping may be changed from year to year as the inspector may direct. Sections to be divided into groups.



When inspector to act as court of revision.

(3) In every case where from the sparseness of settlements, it would be inconvenient for a court of revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such court of revision for the section on behalf of which such request is made, whereupon he shall be the court of revision for such section and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a court of revision constituted under the preceding subsection. 54 V. c. 55, s. 44 (2-4).

Annual assessment roll.

**26.**—(1) The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer of which shall submit a certified copy of the same to the proper court of revision for the correction of errors or improper entries that may be found therein.

Assessor to make oath.

(2) The person appointed for preparing such assessment roll shall be subject to the provisions of *The Assessment Act* with regard to the equitable rating of all taxable property in such school section, and shall, before returning his assessment roll to the secretary of the school section, attach thereto a certificate signed by him and verified upon oath or affirmation according to the form prescribed in *The Assessment Act*.

Appeal against assessment.

(3) A copy of the roll as corrected shall be open to inspection by all persons interested, at some convenient place in the section, notice whereof, signed by the secretary-treasurer of the section, shall be annually posted in at least three of the most public places in the section, and shall state the place and the time at which the court will hear appeals against the said assessment roll; and such notice shall be posted as aforesaid by the trustees for at least three weeks prior to the time appointed for hearing the appeals.

Manner of appeal.

(4) All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a court of revision in the case of ordinary municipal assessments, and the court of revision, as constituted according to section 25, shall have the same powers as ordinary municipal courts of revision.

Confirmed roll binding.

(5) The annual roll, as finally passed and signed by the chairman of the court of revision, shall be binding upon the trustees and ratepayers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid.

Appeals in unorganized townships.

(6) Where any township under the jurisdiction of a township board is unorganized, appeals against its certified assessment roll, shall be made to the stipendiary magistrate or judge of the district or county.



(7) In forming union school sections between and out of an organized township municipality and an unorganized township or locality within any territorial or judicial district, it shall be lawful for such union school section to be formed or altered according to the provisions of this Act, except that the inspector shall act for the unorganized township or locality, and the reeve of the organized township for his township. 54 V. c. 55, ss. 45-50.

Union school sections.

**27.**—(1) In any portion of the Province not surveyed into townships, the inhabitants thereof who are twenty-one years of age, may at a public meeting called for that purpose, elect three of their number to serve as public school trustees, and the trustees so elected shall have all the powers of trustees in unorganized townships, and shall in all other respects be subject to the provisions of this Act.

Schools in unorganized townships.

(2) On receipt of notice by the Education Department signed by the trustees so elected, that a public school has been established and suitable accommodation provided for public school purposes, the Minister of Education may pay over to the trustees out of the appropriation made by the Legislature for public schools such sum of money for their maintenance as may be approved by the Lieutenant-Governor in Council.

Notice to the Minister of Education.

**28.**—(1) The trustees may appoint some fit and proper person, or one of themselves, to collect the rates imposed by them upon the ratepayers of their school section, or the sums which the inhabitants or others may have subscribed, or a rate-bill imposed on any person; and may pay to such collector at the rate of not less than five, or more than ten per centum on the moneys collected by him; and every collector shall give such security as shall be satisfactory to the trustees, which security shall be lodged for safe keeping with the inspector by the trustees.

Appointment and duties of school collector.

(2) Every collector shall have the same powers in collecting the school rate, rate-bill, or subscriptions, and shall be under the same liabilities and obligations, and proceed in the same manner in the school section or township, as a township collector in collecting rates in his township, as provided in the municipal and assessment Acts from time to time in force.

Powers and liabilities of school collector.

#### TOWNSHIP BOARDS.

**29.** In municipalities composed of more than one township, but without county organization, it shall be optional with the municipal councils thereof to form portions of the townships comprising the municipality into school sections, or to establish a board of public school trustees, two members being

Boards in municipalities without county organization.

elected

elected for each ward, and if not divided into wards, two for each township thereof, and such board shall possess all the powers and duties of township boards, and shall also, upon the petition of at least five heads of families, provide school accommodation and a teacher for their children and others. 54 V. c. 55, s. 51-53.

Petition for repeal of by-law and for reforming sections.

55 V., c. 42.

Adjusting claims.

**30.**—(1) In case twenty ratepayers in more than one-half of the school wards of the township petition the township council to submit a by-law to the vote of the ratepayers of the township for the repeal of any by-law under which a township school board was established a by-law shall be submitted to such vote accordingly, and the proceedings shall be in conformity with *The Municipal Act*, except that the vote shall not be by ballot; and in case in the majority of such wards the majority of the votes are for such repeal, the township council shall pass a by-law to disestablish such township school board, and form school sections instead thereof; but no repeal shall take effect until the twenty-fifth day of the month of December next following the voting upon the by-law for that purpose.

(2) The council shall, in the same or by another by-law, appoint the inspector jointly with two other competent persons, not residents of the township, and they or any two of them shall, in a report to the council, value the schoolhouses, school sites, and other school property which may thereupon become the property of each school section, and shall also adjust and settle the respective rights and claims consequent on such repeal between the respective school sections, or between any school section, and the township, and all payments to be made by or to any of them. 54 V. c. 55, s. 63.

#### RURAL SCHOOL SITES.

New sites.

**31.**—(1) The trustees of every rural school section shall have power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the ratepayers of the section to consider the site selected by them; and no site shall be adopted, or change of school site made, except in the manner herein-after provided, without the consent of the majority of such special meeting.

When trustees and ratepayers differ as to site.

Award.

(2) In case a majority of the ratepayers present at such special meeting differ as to the suitability of the site selected by the trustees, each party shall then and there choose an arbitrator, and the county inspector, or, in case of his inability to act, any person appointed by him to act on his behalf, shall be a third arbitrator; and such three arbitrators, or a majority of them present at any lawful meeting, shall have authority to make and publish an award upon the matter submitted to them.

(3) With the consent, or at the request of the parties to the reference, the arbitrators, or a majority of them, shall have authority, within one month from the date of their award, to reconsider such award and within two months thereafter to make and publish a second award, which award (or the previous one, if not reconsidered by the arbitrators) shall be binding upon all parties concerned for at least five years from the date thereof. 54 V. c. 55, ss. 64-66. Reconsideration of award.

**32.**—(1) If the owner of the land selected for a new school site, or required for the enlargement of school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of any section, then such owner and the trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the inspector, or in case of his inability to act, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. When owner refuses to sell.

(2) If the majority of the school trustees, or the majority of a public school meeting, neglects or refuses, where there is a difference in regard to the selection of a school site, to appoint an arbitrator, as provided in this Act, or if the owner of land selected as a school site, neglects or refuses to appoint an arbitrator, it shall be competent for the inspector with the arbitrator appointed, to meet and determine the matter; and the inspector in case of such refusal or neglect, shall have a second or casting vote if he and the arbitrator appointed do not agree. Appointment of arbitrators—their powers

(3) If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrator to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, and they shall give the absent arbitrator notice of the adjournment. Proceedings where an arbitrator is absent.

(4) The arbitrators aforesaid, or any two of them, shall have the power to hear and determine all claims or rights of incumbancers, lessees, tenants, or other persons, as well as those of the owner in respect of the land required for the purpose of the school site, upon notice in writing to every such claimant or person. Additional powers of arbitrator.

(5) Upon the tender of payment of the amount of such damages to the owners or other persons entitled thereto, by the school trustees, or its payment into the High Court under the authority hereinafter conferred, the land may be taken and used for the purpose aforesaid. 54 V. c. 55, ss 67-70. Taking land.

**33.**—(1) Any award for a school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned in it. Award to constitute title.



it, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on the affidavit of the secretary-treasurer of the board of trustees verifying the same.

Cost of arbitration.

(2) The parties concerned in all such disputes shall pay all the expenses incurred in them, according to the award or decision of the arbitrators. 54 V. c. 55, ss. 71, 72,

Selection of school site.

**34.**—(1) A school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner of the site without his consent. 54 V. c. 55, s. 73.

Fence.

(2) Any wall or fence deemed necessary for the enclosure of the school premises shall be erected and maintained by the board of trustees at the expense of the school section.

Enlargement of school site.

**35.** Where the area of a school site is less than is required by the regulations of the Education Department the trustees may, without reference to a special meeting of the ratepayers, enlarge the same, but no such enlargement shall be made in the direction of, or including an orchard, garden or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 54 V. c. 55, s. 74.

Who may convey school sites.

**36.**—(1) All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femes-coverts, or other person, seised, possessed of or interested in any land, may contract for, sell or convey all or part thereof to school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act.

Remedy in case of absence of owner.

(2) If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the judge that the owner is absent from the county and that, after diligent enquiry, he cannot be found, the judge may order a notice to be inserted for such time as he



he sees fit in some newspaper published in the county; and he may in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit.

(3) The notice shall contain a short description of the land, and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the county judge may direct. What notice shall contain. Arbitrators.

(4) If within such time as the judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. Judge may appoint arbitrator. 54 V. c. 55, ss. 75-78.

**37.**—(1) Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same or any portion thereof, shall as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. Responsibility of trustees as to compensation. 54 V. c. 55, s. 79.

(2) If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and pay the amount of the compensation into the High Court, or in such other manner as the Inspector may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary-treasurer of the board of trustees verifying the same. In case of incumbrance. Payment of compensation money into High Court. Award to be registered. 54 V. c. 55, s. 80.

## ALTERATION OF SCHOOL BOUNDARIES.

Powers of  
Township  
Councils.

**38.** Every township council shall have power:—

Union of ex-  
isting sections.

1. To pass by-laws to unite two or more sections in the same township into one, in case at a public meeting in each section called by the trustees or inspector for that purpose, a majority of the ratepayers present at each of such meetings request to be united;

Alteration,  
etc., of school  
sections.

2. To alter the boundaries of a school section, or divide an existing section into two or more sections, or to unite portions of an existing section with another section, or with any new section, in case it clearly appears that all persons to be affected by the proposed alteration, division or union respectively, have been duly notified, in such manner as the council may deem expedient, of the proposed proceeding for this purpose, or of any application made to the council to do so;

By-law for  
altering school  
sections.

3. Any such by-law shall not be passed later than the first day of June in any year, and shall not take effect before the 25th day of December next thereafter, and shall remain in force, unless set aside as hereinafter provided, for a period of five years. The township clerk shall transmit forthwith a copy of such by-law and minutes relating thereto to the trustees of every school section affected thereby, and to the public school inspector. 54 V. c. 55, s. 81 (1-3)

When part of  
section is  
added to city  
or town.

4. When part of any school section has been added to a city or town by order of the Lieutenant-Governor in Council, the municipal council in which such section is situated may pass a by-law for the readjustment of the boundaries of the remaining portion of such section, notwithstanding the passing of a by-law within five years affecting the limits of such section or adjoining sections. 58 V. c. 57, s. 4.

## APPEALS TO COUNTY COUNCIL.

Appeal to  
county  
council.

**39.**—(1) A majority of the trustees, or any five ratepayers of any one or more of the school sections concerned, may within twenty days, by notice filed in the office of the county clerk appeal to the county council of the county in which such section or sections are situated, against any by-law of the township council for the formation, division, union or alteration of their school section or school sections; or against the neglect or refusal of the township council, on application being made to it by the trustees or any five ratepayers concerned, to alter the boundaries of a school section or school sections within the township.

(2) The time herein mentioned for appeal shall run from the date of the by-law complained of, or from the date of the meeting at which the council refused to pass such by-law,

or from the first meeting after which notice was received from the clerk of the application of the trustees or ratepayers asking for such by-law to be passed, as the case may be.

(3) The county council may appoint as arbitrators not more than five, or less than three competent persons, two of whom shall be the county judge, or some person named by him, and the county inspector, and a majority of whom shall form a quorum to hear such appeal and to revise, determine or alter the boundaries of the school section or school sections, so far as to settle the matters complained of; but the alterations or determination of the said matters shall not take effect before the 25th day of December in the year in which the arbitrators so decide, and shall thence continue in full force for the period of five years at least, and until lawfully changed by the township council.

Appointment  
of arbitrators.

(4) No person shall be competent to act as arbitrator, who is a member of the township council, or who was a member at the time at which the council passed, or refused or neglected to pass the by-law or resolution.

Who may act  
as arbitrators.

(5) Due notice of the alterations or the determination of the said matters made by the arbitrators shall be given by the inspector to the clerk of the township, and to the trustees of the school sections concerned. 54 V. c. 55, s. 82 (1-5)

Notice.

**40.** On the formation, dissolution, division or alteration of any school section in the same township, in case the trustees of the sections interested are unable to agree, the county inspector and two other persons appointed by the township council as arbitrators, shall value and adjust in an equitable manner all rights and claims consequent upon such formation, division, dissolution or alteration between the respective portions of the township affected, and determine in what manner and by what portion or by whom the same shall be settled; and the determination of the said arbitrators or any two of them shall be final and conclusive. 54 V. c. 55, s. 83.

Adjustment of  
claims  
between  
unions in same  
township.

**41.** In case a school site or school-house or other school property is no longer required in a section, in consequence of the alteration or the union of school sections, the same shall be disposed of, in such a manner as a majority of the ratepayers in the altered or united school sections may decide at a public meeting called for that purpose; and the ratepayers transferred from one school section to another shall be entitled, for the public school purposes of the section to which they are attached, to such a proportion of the proceeds of the sale of such school-house or other public school property as the assessed value of their property bears to that of the other ratepayers of the school section from which they have been separated; and the residue of such proceeds shall be applied to the erection of a new school house in the old school section, or to other public school

Disposal of  
school prop-  
erty when not  
wanted.



school purposes of such old section. In the case of united sections, the proceeds of the sale shall be applied to the like public school purposes of such united sections. 54 V. c. 55, s. 84.

#### UNION SCHOOL SECTIONS.

Unions existing 1st April, 1896.

42. All school sections existing on the 1st day of April, 1896, and all union school sections which on that day existed in fact, and whether formed in accordance with the provisions of the law in that behalf or not, are to be deemed to have been legally formed, and shall continue to exist, subject, however, to the provisions of this Act so far as applicable as if they had been formed thereunder; and in cases where any union has before said date been adjudged by any court or judge to have been illegally formed, or where any proceedings were pending at said date on that ground, further proceedings may be stayed, upon payment of such costs or expenses, if any, as the court or judge may award. 54 V. c. 55, s. 85.

What unions may be formed.

43. A union school section may be established between (a) parts of two or more adjoining townships, or (b) parts of one or more townships and an adjoining urban municipality and union school sections may be formed, altered or dissolved as follows:—

Procedure for formation, alteration or dissolution of union.

(1) On the petition of five ratepayers from each of the municipalities concerned, to their respective municipal councils, asking for the formation, alteration or dissolution of a union school section, each municipal council so petitioned may appoint an arbitrator (who must not be a member of the council), notice of which shall be sent by the respective clerks to the inspector or inspectors of the district or districts concerned who shall be *ex officio* arbitrators; a council may act upon a petition addressed to the councils concerned or to any two or more of them jointly, if such petition is signed by five ratepayers of the municipality acting thereon.

Where even number of arbitrators appointed county judge to act.

(2) In cases where the person so appointed arbitrators would be an even number, the senior county court judge, or some person by him appointed to act in his behalf, shall be added, or in the case of an arbitration affecting two or more counties, then the senior county court judge of the county having the largest population according to the last Dominion census, or some person by him appointed to act in his behalf shall be added.

First meeting of arbitrators.

(3) The first meeting of the arbitrators shall be called by the inspector representing the greatest number of schools, who shall give ten days' notice in writing of such meeting to the clerks of the municipalities concerned.

Award what to contain.

(4) In case the arbitrators shall determine upon the formation of a new union section, or upon the alteration of the boundaries of an existing union school, they shall in their award set forth the specific parcels of land to be included in such new union school section, or in such altered section as



the case may be. In the event of the transfer of any parcel or parcels of land from an existing union section to some other section or sections the arbitrators shall in their award set forth to what other section or sections such transfer shall be made, and any such transfer shall be binding and operative for all school purposes till altered as provided by this Act.

(5) In case the arbitrators shall determine upon the dissolution of an existing union they shall set forth in their award the section or sections to which the parcels of land comprising such union shall be attached for school purposes, and any such transfer of the parcels of land comprising a union school section to an adjoining section or sections shall be binding and operative till the boundaries of such section or sections are altered as provided by this Act.

(6) Where the arbitrators find that it would be in the interest of the parties concerned, and where in their opinion it is practicable so to do, they may at their discretion form part of the territory of any union section into a non-union section, or form a new union, and in such cases they shall indicate the parcels of land of which such union or non-union section shall be composed. The remainder of the union section shall be disposed of as hereinbefore provided.

(7) When a new union school section is formed or an existing union school section altered the arbitrators shall determine and fix the proportion which the part in each municipality shall be liable to contribute towards the erection and maintenance of the school and other requisite expenses, and such determination shall be binding for a period of three years.

(8) In any award made under this section the arbitrators shall value and adjust, in an equitable manner, all rights and claims consequent upon the formation, alteration or dissolution of union sections between the respective municipalities, school sections and ratepayers concerned, and shall also determine in what manner and by what municipality or municipalities, or what portions thereof the same shall be paid and the sum of money to be paid by one portion of the municipalities or school sections concerned to the union schools so formed or altered, and the disposition of the property of the union and any payment by one portion to the other and the right of any ratepayer affected by the award, and such valuation, adjustment and determination shall form and be considered an integral portion of their award, and shall be binding on the municipalities and school sections concerned, subject to this Act.

(9) When a new union school section is formed by arbitration, as herein provided, the inspector authorized under subsection 3 to call the first meeting of the arbitrators, shall call the first meeting for the election of trustees, and shall proceed as the clerk of the municipality is directed to proceed in the case of the formation of a new section under this Act.

(10) Such union, alteration or dissolution shall not take effect until the 25th day of the month of December, after the award of the arbitrators or a certified copy thereof is filed with the clerks of the municipalities concerned ;

(11) No union school section shall be altered or dissolved for a period of five years after the award of the arbitrators has gone into operation, whether such award did or did not change the boundaries of existing sections, but nothing herein contained shall be construed as restraining any municipal council from enlarging the boundaries of any union school section from time to time as may be deemed expedient. 54 V. c. 55, ss. 86, 87 (1-11).

Appeal relating to union school within a county.

44. When the territory which it is proposed to form into a union school section or when the union school section which it is proposed to alter or dissolve, lies wholly within a county the trustees or any five ratepayers in the territory or union section concerned, or the inspector or inspectors, may within one month after the making thereof appeal in writing to the county council against any award made by the arbitrators either for or against the formation, alteration or dissolution of such section, or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 43 of this Act, and on receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the territory or school section concerned, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under section 43, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the county clerk. 54 V. c. 55, s. 88.

Appeal relating to union school within two or more counties.

45. When the territory which it is proposed to form into a union school or when the union school section which it is proposed to alter or dissolve, lies partly within two or more counties, the trustees or any five ratepayers in the territory or union school section concerned, or the inspector or inspectors, may within one month after the making thereof appeal against any award made by arbitrators for or against the formation, alteration or dissolution of such section, or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine or confirm such award, or where no award was made, then at his discretion to appoint not more than three arbitrators who shall have all the powers of arbitrators appointed under section 43 of this Act, and the decision of a majority of them shall be final and conclusive. The first meeting of such arbitrators shall be called by the Minister of Education. 54 V. c. 55, s. 89.

46. The collectors of each municipality in which a part of a union section is situate shall collect the school rates for that part; and the amount collected from the several ratepayers in each part of the union section shall be paid by the respective collectors to the treasurer of the municipality in which such part of the union section is situate, and such treasurer shall pay over the same without any charge or deduction to the trustees entitled thereto. 54 V. c. 55, s. 90.

Collection of rates in union school sections.

47. When any township municipality is divided by Act of the Legislative Assembly for municipal purposes, all school sections which may, by such division, be situated partly in each of the newly formed municipalities, shall be deemed union sections until otherwise altered under the provisions of this Act. 54 V. c. 55, s. 91.

School sections when municipality divided.

48. Every union school section shall, for the election of trustees, be deemed one school section, and shall be considered in respect to inspection as within the municipality in which the school-house is situated, or if there be two or more school-houses then in the municipality having the largest amount of assessed property. 54 V. c. 55, s. 92.

Election of trustees, and inspection of union school sections.

#### UNIONS WITH URBAN MUNICIPALITIES.

49.—(1) In case a portion of the territory composing one or more school sections becomes incorporated as an urban municipality, the boundaries of such school section or sections shall continue in force and shall be deemed a union school section, and the provisions of this Act respecting the election of public school trustees in urban municipalities shall apply thereto until such union is altered or dissolved as provided by this Act.

Continuation of boundaries of rural sections.

(2) In the case of an urban municipality divided into wards to which a part of an adjoining township or township is attached for school purposes, the board of trustees of such union school section shall by resolution determine in which ward or wards the ratepayers of the township shall vote for the election of school trustees and at elections on other school questions, and in case of no such resolution, then such portion of the township shall be considered for all election purposes as attached to the ward or wards adjacent, and if two or more wards are adjacent any such ratepayer may vote in either of such wards. 54 V. c. 55, s. 92 (1-2).

Where rate-payers to vote when municipality divided into wards.

50.—(1) When any portion of a township municipality is annexed to an urban municipality by proclamation, the portion so annexed shall for all school purposes be deemed to be part of such city or town, provided always that when the portion annexed does not include the whole of any contiguous school section, the respective municipalities shall, unless determined by mutual agreement between

Where part of a township is annexed to a city.



between themselves after such annexation, each appoint an arbitrator who, with the senior county judge of the county, shall value and adjudge in an equitable manner the rights and claims of all parties affected by such annexation, and shall determine by what municipality or portion thereof, the same shall be adjusted, paid or settled.

(2) The award of the arbitrators shall be final and conclusive, and the money found due, either by mutual agreement or under the award, shall be deemed money for school purposes and the provisions of section 70 of this Act shall not apply to the money so required to be paid under the award or mutual agreement, and a debenture or debentures may issue to be payable out of the taxable property of that part of the school section remaining in the indebted municipality, upon a requisition of the trustees of said school section, without calling a special meeting of the electors, and upon the terms and conditions set forth in a by-law of the said municipality, anything in this Act to the contrary notwithstanding. 54 V. c. 55, s. 94.

Adjustment of  
assets and  
liabilities  
upon union of  
municipalities

(3) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of each school corporation shall be assumed by the school corporation of the united municipality. 55 V. c. 60, s. 5.

#### EQUALIZATION OF UNION SCHOOL ASSESSMENTS.

Assessors to  
determine  
proportion.

**51.**—(1) Once in every three years the assessors of the municipalities in which a union school section is situated, shall, after they have completed their respective assessments and before the first day of June meet and determine what proportion of the annual requisition made by the trustees for school purposes shall be levied upon and collected from the taxable property of the respective municipalities out of which the union school section is formed. Notice of such determination shall be given forthwith to the secretary-treasurer of the union school section concerned ;

Arbitration  
where assess-  
ors disagree.

(2) In the event of the assessors disagreeing as to such proportion, as aforesaid, the inspector in whose district the union school section is situated shall name an arbitrator who, with the assessors aforesaid shall determine the said matter and report the same to the clerks of the respective municipalities, on or before the first of July, and the decision of a majority shall be final and conclusive for the period of three years ;

When school  
section lies in  
two counties.

(3) When the union school section is composed of portions of two adjoining counties, then on the disagreement of the assessors the inspector of the county in which the schoolhouse of the union section is situated shall name an arbitrator, and the decision of a majority shall be final and conclusive for the period of three years ;

(4)



(4) The meeting of the assessors, for the purposes herein set forth, shall be called by the assessor of the municipality in which the schoolhouse of the union section is situated; Meeting of assessors to determine proportion.

(5) The assessors or the assessors and arbitrator appointed as herein required may, at the request of the inspector or five ratepayers, within one month after the filing thereof with the clerk reconsider their award, and alter or amend the same so far as to correct any omission or error in the terms in which such award is expressed. 54 V. c. 55, s. 95 (1-5). Reconsideration of award.

**52.**—(1) Any by-law of a municipality for forming, altering or dissolving a school section or sections, and any award made by arbitrators appointed to consider an appeal from a township council with respect to any matter authorized by this Act shall be valid and binding for a period of at least five years notwithstanding any defect in substance or form, or in the manner or time of passing or making the same, unless notice to quash such by-law or to set aside such award is filed in the office of the township clerk within one month of the publication of such by-law or award; and the same is subsequently quashed or set aside. By-law altering sections to be valid unless notice to quash given.

(2) Such by-law or award shall be deemed to be published when a copy thereof is served upon the secretary or secretary-treasurer of each board of trustees affected thereby. 54 V. c. 55, s. 96 (1-3). What deemed publication of by-law.

#### URBAN SCHOOL BOARDS.

**53.**—(1) Every board of public school trustees in urban municipalities, elected as provided by this Act shall be a corporation by the name of "The Public School Board" (prefixing to the words "Public School Board" the name of the city, town or incorporated village for which such trustees are elected), and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act. Board to be a corporation.

(2) Any ratepayer who is a British subject and resident in the municipality of the full age of twenty-one years may be elected a public school trustee, and every trustee shall continue in office until his successor has been elected and the new board organized. 54 V. c. 55, ss. 97-98. Who may be elected trustees.

**54.**—(1) In case any unincorporated village becomes incorporated, or in case a village or town changes its corporate status, the trustees having jurisdiction over the school property situated within such village, or town, prior to its incorporation or prior to the change of its corporate status shall exercise all the powers conferred by this Act upon the trustees of urban municipalities, until a new election of trustees is held, First election of trustees.

and

and such trustees shall call a meeting of the ratepayers of such urban municipality within one month after the date of such incorporation for the election of a new public school board ;

(2) In calling the meeting of the ratepayers of such newly incorporated urban municipality, the provisions of section 57 of this Act shall be complied with so far as the same are applicable. Where the trustees of the municipality whose corporate status was changed were elected by ballot, the provisions of section 58 of this Act shall apply to the election of trustees in such newly incorporated urban municipality. 54 V. c. 55, s. 99 (1-2)

Trustees in city, etc., divided into wards.

**55.**—(1) For every ward into which any urban municipality is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected and the new board organized ;

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school meeting, and the other shall continue in office one year longer and then retire, after which one trustee shall be elected annually for each ward ;

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed, shall for all the purposes of this Act, be deemed to be part of the city. 54 V. c. 55, s. 100 (1-3).

(4) The provisions of this section shall not be held to invalidate or make void section 10 of the Act passed in the 54th year of Her Majesty's reign, chaptered 82, relating to the city of Toronto, but the said section 10 and the sub-sections thereof shall be read and construed as if incorporated in this Act.

Trustees in villages not divided into wards.

**56.**—(1) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected and the new board organized ;

(2) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire ; after which three trustees shall be elected annually. 54 V. c. 55, s. 101 (1-2).

#### ANNUAL ELECTION OF TRUSTEES.

Provisions for elections of trustees.

**57.** The annual and other elections of public school trustees, unless otherwise ordered, as provided by section 58 of this Act, shall be subject to the following provisions :—

(1)

(1) A meeting of the ratepayers for the nomination of candidates for the office of public school trustee, shall take place at noon on the last Wednesday in the month of December, annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the public school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. Nominations.

(2) The public school board shall by resolution before the second Wednesday in December each year name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and also for holding the election in case of a poll, and in case of the absence of such officer the chairman chosen by the meeting shall preside, and the public school board shall give at least six days' notice of such meeting. Returning Officer.

(3) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall so notify the secretary of the public school board; but if two or more candidates are proposed for any one office and a poll in respect of any such office is demanded by any candidate or elector, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, or if a holiday, then to the day following, when a poll or polls shall be opened at such place or places, and in each ward, where the municipality is divided into wards, as shall be determined by resolution of the trustees; Proceedings at nominations.

(4) The polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until five o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled; Hours of polling.

(5) In urban municipalities, and in townships where public school boards exist, the clerk of the municipality shall furnish to the public school board, within three days after request in writing, 'The Voters' List,' of such municipality, together with a supplementary list either printed or in writing of the names of persons being supporters of separate schools, and also a list of the names, alphabetically arranged, of all ratepayers not being already upon 'The Voters' List.' In cities and towns divided into wards, clerk of municipality to furnish Voters' List to Public School Boards

(6) The public school board shall provide each polling place with the lists aforesaid, and also a poll book; and at every election at which a poll is demanded, the returning officer or person presiding, or the poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the ratepayers offering to vote at the Certified copy of list and a poll book to be provided for each polling place  
Entries in poll book.



the election, and shall, in each column on which is entered the name of a candidate voted for by a voter set the figure '1' opposite the voter's name, with the residence of the voter ;

Duty of re-  
turning officer  
after close of  
election.

(7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary or secretary-treasurer of the public school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer ;

Duty of sec-  
retary.

(8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes, and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election.

Castign vote.

(9) In case two or more candidates have an equal number of votes, the member of the board present at the first meeting thereof after such election and before the organization of the board, who is assessed highest as a ratepayer on the last revised assessment roll, shall give a vote for one or more such candidates, so as to decide the election. 54 V. c. 55 s. 102 (1-9.)

#### ELECTION BY BALLOT.

Elections of  
trustees on  
same day as  
municipal  
elections.

**58.**—(1) The board of public school trustees of any urban municipality or township, may, by resolution of which notice shall be given to the clerk of the municipality on or before the first day of October in any year, require the election of school trustees for such urban municipality, or township, to be held by ballot on the same day as municipal councillors, or aldermen are elected, as the case may be. In like manner any board of trustees may discontinue the use of the ballot in trustee elections on giving notice to the clerk of the municipality to that effect at the time hereinbefore mentioned, and thereafter elections for the purposes of this Act shall be conducted as provided in section 57 of this Act.

Trustees may  
discontinue  
use of ballot  
at elections.

Ballot not to be  
discontinued  
or resumed for  
three years  
after the  
change.

(2) Where any board of trustees requires elections to be held by ballot, and elections are so held, no change shall be made in the mode of conducting such election for a period of three years, and should the mode of conducting the elections by ballot be discontinued at any time, then the provisions of section 57 shall apply for a period of three years at least after such discontinuance.

Mode of con-  
ducting elec-  
tions by ballot.

(3) In every case in which notice is given as aforesaid requiring the election of public school trustees to be held by ballot, such election shall thereafter be held at the same time and place, and by the same returning officer or officers, and conducted in the same manner as the municipal nominations



ations and elections of aldermen or councillors are conducted ; and the provisions of *The Municipal Act* respecting the time for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies, and declarations of office, shall *mutatis mutandis* apply to the election of public school trustees

(4) A separate set of ballot papers shall be prepared by the clerk of the municipality for all the wards or polling subdivisions, containing the names of the candidates nominated for school trustees, of the same form as those used for councillors or aldermen, except the substitution of the words "school trustee" for councillors or aldermen, as the case may be ; and no ballot shall be delivered to any person who is entered on the list of voters as a supporter of separate schools.

Form of  
ballot papers.

(5) In case any objection is made to the right of any person to vote at any election of school trustees the deputy returning officer shall require the person whose right of voting is objected to, to make the following oath or affirmation :—

Oath to be administered when voter is objected to.

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (*showing the list to voter*) ;

Form of oath

That you are a ratepayer ;

That you are of the full age of twenty-one years ;

That you are a public school supporter ;

That you have not voted before at this election, either at this or any other polling place in this Ward or (in this Municipality, where the municipality is not divided into wards) for School Trustee ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election : So help you God ; 54 V. c. 55, s. 103 (1-6).

**59.—(1)** In case the office of trustee becomes vacant from any cause, the remaining trustees shall, except as provided in the next sub-section, forthwith hold a new election in the manner provided by this Act for the annual election of trustees to fill such vacancy, and the person thereupon elected shall hold his seat for the remainder of the term for which his predecessor was elected. 54 V. c. 55, s. 104.

Vacancy in  
office of  
trustee.

(2) In the case of an urban municipality should such vacancy occur within three months of the expiry of the term of office, the remaining trustees may allow the office to remain vacant until the next ensuing election.

## CONTESTED ELECTIONS.

Judge of  
county court  
to receive and  
investigate  
complaints.

**60.**—(1) Any complaint respecting the validity or mode of conducting the election of school trustees in any urban municipality shall be made to the judge of the county court within twenty days after such election, who shall, within a reasonable time, in a summary manner, hear and determine the same; and may cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such persons to appear before him as he may deem expedient.

(2) The Judge may confirm the election or set it aside, or order that some other candidate was duly elected; and the Judge may order the person found by him not to have been elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted; and, in case the Judge determines that no person was duly elected, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the public school board; 54 V. c. 55, s. 105.

First meeting  
of Board.

**61.**—(1) Every urban board of school trustees shall hold its first meeting in each year on the third Wednesday in January, at the hour of seven o'clock in the afternoon, or at such other hour and place on the same day as may have been fixed by resolution of the former board.

President at  
first meeting.

(2) At such meeting the secretary of the board shall preside at the election of chairman, or, if there be no secretary, the members present shall appoint one of themselves to preside at such election, and the member so appointed to preside may vote as a member.

Casting vote.

(3) In case of an equality of votes at the election of chairman, the member who is assessed as a ratepayer for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member.

Quorum of  
school  
boards, etc.

(4) A majority of the members of the board shall be necessary to form a quorum, at any meeting and the vote of the majority of such quorum shall be necessary to bind the corporation. 54 V. c. 55, s. 106 (1-5).

## DUTIES OF TRUSTEES.

Duties of  
Board.

**62.** It shall be the duty of the trustees of all public schools, and they shall have power:—

Appointment  
of secretary  
and others.

1. To appoint a secretary and treasurer or secretary-treasurer, and such committees, officers and servants as they may deem expedient;

2. To fix the time and place of meetings of the board, the mode of calling and conducting them, and of keeping a true and correct account of the proceedings of such meetings, and to transmit to the Minister of Education all returns and reports required by the Education Department ;

To fix meetings of the board.

3. To provide adequate accommodation for all the children of the supporters of public schools between the ages of five and sixteen years, resident in the municipality (in the case of rural schools for two-thirds of such children resident in the section) as ascertained by the census taken by the municipal council for the next preceding year ;

To provide adequate accommodation.

4. To purchase or rent school sites or premises, and to build repair, furnish, and keep in order the schoolhouses, furniture, fences and all other school property ; to keep the well, closets and premises, generally in a proper sanitary condition ; to procure registers, maps, globes, apparatus, and, if they deem it expedient, procure prize books and establish and maintain school libraries ;

To provide school premises, apparatus, prize books and library.

5. To determine the number, grade, territorial boundaries and description of schools to be opened and maintained ; the teachers to be employed ; the terms on which they are to be employed, and their remuneration and rank (whether principals or assistants) ; and, as they may deem expedient, to establish kindergartens and classes for industrial training and instruction in, needle work and domestic economy ;

To determine number of schools, etc.

6. To dismiss from the school any pupil who shall be adjudged so refractory by the trustees and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school ;

Dismissal of refractory pupils.

7. To collect, at their discretion, from the parents or guardians of the pupils attending school a sum not exceeding twenty cents per month, per pupil, to defray the cost of text-books, and other school supplies ; or to purchase for the use of pupils text-books and other school supplies at the expense of the corporation ;

Trustees may collect a fee from parents, for books, etc.

8. To exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons (notice of such exemption to be given by the trustees to the clerk of the municipality, on or before the first day of August) and when deemed necessary to provide for the children of such persons text-books and other school supplies at the expense of the corporation ;

Exemption of indigent persons from school rates.

9. To submit to the municipal council, on or before the first day of August, or at such time as may be required by the municipal council, an estimate of the expenses of the schools under their charge for the twelve months next following the date of application ;

To lay before council estimates for moneys.



Payment of  
teachers'  
salaries.

10. To provide (in the case of rural schools) for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected;

To publish  
auditors'  
report.

11. To submit in the case of urban municipalities all accounts, books and vouchers to be audited by the municipal auditors, whose duty it shall be to audit the same and to publish at the end of every year, in one or more of the public newspapers, or otherwise, an abstract of the annual report of the auditors, with such findings and recommendations as the auditors deem expedient;

Custody and  
disposal of  
school prop-  
erty.

12. To take possession of all property which has been acquired or given for public school purposes, and to hold the same according to the terms on which it was acquired or received; and to dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site, or other cause; to convey the same under their corporate seal, and to apply the proceeds thereof to their lawful school purposes or as directed by this Act. 54 V. c. 55, s. 107 (1-13.)

Supplement-  
ing superan-  
nuation allow-  
ances.

13. To supplement out of school funds, at their pleasure, any allowance payable under this Act to superannuated teachers.

Trustees act-  
ing under by  
laws not  
liable.

**63.** Trustees shall not be liable to any prosecution, or the payment of any damages, for acting under any by-law of a municipal council before it has been quashed. In case a by-law, order or resolution of a municipal council is illegal, in whole or in part, and in case anything has been done under it, which by reason of the illegality gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the corporation. Every such action shall be brought against the municipal corporation alone, and not against any person acting under the by-law, order or resolution. 54 V. c. 55, s. 130 (1-3).

Employing  
teachers in  
charitable  
institutions.

**64.** The trustees of cities when so requested by any charitable organization having in charge children of school age shall have power to employ teachers for such children, and to furnish for their use all school supplies if they deem it expedient, and such children shall be considered public school pupils and shall be subject to this Act.

School sites.

**65.** Every urban school board shall have power to take and acquire land for a school site or for enlarging school premises already held. In the event of any dispute between the owner



owner of the land selected and the trustees, with regard to the price of such land, sections 31 to 37 of this Act shall apply. 54 V. c. 55, s. 108.

#### TOWNSHIP ASSESSMENTS.

**66.**—(1) The municipal council of every township shall levy and collect by assessment, upon the taxable property of the public school supporters of the whole township, in the manner provided by this Act, and by the municipal and assessment Acts, the sum of \$150 at least for every public school which has been kept open the whole year exclusive of vacations. Where the school has been kept open for six months or over, a proportionate amount of the said sum of \$150 at least shall be levied and collected by assessment upon the taxable property of the whole township. An additional sum of \$100 at least shall be levied and collected in a similar manner for every assistant teacher engaged for the whole year, and a proportionate amount if such assistant teacher was engaged for six months or over ;

Amount to be levied by township council for school purposes.

(2) In the case of union school sections the municipal council of each municipality of which the union school section is composed shall levy and collect upon the taxable property of the respective municipalities the said sum in the proportion fixed by the equalization provided under section 51 of this Act. This section shall not apply to union sections formed between townships and urban municipalities. 54 V. c. 55, s. 109 (1-3.)

**67.**—(1) The council of every municipality shall levy and collect upon the taxable property of the municipality (or of the sections in the case of rural schools), in the manner provided in this Act, and in the municipal and assessment Acts, such sums as may be required by the trustees for school purposes ; and shall pay the same to the treasurer of the public school board from time to time as may be required by the board for teachers' salaries and other expenses. In the case of rural schools, all moneys collected shall be paid to the secretary-treasurer of the section on or before the 15th of December ;

Councils to levy sums required by trustees.

(2) The council of every municipality may, in addition to any requisition of the public school trustees, raise by assessment such other sums as it may deem expedient for the establishment and maintenance of a school library, or for aiding new or weak schools or continuation classes within such municipality, or for the support of model schools, or for supplementing teachers' salaries or retiring allowances ; 54 V. c. 55, ss. 110, 112 ; 58 V. c. 57, s. 8.

Establishment of libraries.

(3) Every municipal council shall have power, and it shall be their duty to correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended

Correction of errors in collection of rates in previous years.

tended so to be, to the end that no property shall escape from its proper proportion of the rate and that no property shall be compelled to pay more than its proper proportion of such rate. 58 V. c. 57, s. 7 (4.)

Return shewing rating of separate school supporters.

68. It shall be the duty of the clerk of every township :—

Separate school amounts to be deducted.

(1) To transmit not later than the first day of December in each year to the county school inspector a list of the supporters of separate schools against whom any county rate for public school purposes has been placed upon the collector's roll shewing the amount so rated against each and the total amount so rated. The county inspector shall, before issuing his order for the payment of the county grant to the public school sections, deduct therefrom the amount so certified to him by the clerk of such municipality, and shall give the trustees of the separate school section an order on the township treasurer for the amount thereof, and it shall be the duty of such treasurer to pay over the same ;

Clerk to give copy of assessment to inspector.

Statement to be furnished to board by clerk.

(2) To give to the public school inspector when requested by him, a statement of the assessed value of each school section as shewn by the revised assessment roll for the year, and at the request of any board of trustees to furnish the board with a statement shewing the several parcels or lots of land composing the school section for which they are trustees, the assessment of each parcel or lot and the amount of taxes entered on the collector's roll against each parcel of such lands, and the population of each school section between the ages of five and sixteen years. The cost of preparing the latter statement shall be paid by the board of trustees applying for the same. 54 V. c. 55, s. 111 (1-2) 113.

Clerks to make returns of population.

69. It shall be the duty of the clerk of every county to make a return to the Minister of Education showing the population of each minor municipality within the county, and of the clerk of every city and of every town separated from a county to make a return showing the population of such city or town, as shown by their respective assessment rolls for the previous year, said returns to be made on or before the first day of April in each year. 54 V. c. 55, s. 129.

#### DEBENTURES IN RURAL SECTIONS.

Township school debentures.

70.—(1) On the application of any board of rural school trustees for the issue of debentures for the purchase of a school site for the erection of a schoolhouse, or any addition thereto, or for the purchase or erection of a teacher's residence, the municipal council of the township shall pass a by-law for the said purpose, and shall forthwith issue debentures to be repayable out of the taxable property of the school section concerned in such annual amount as they may deem expedient, provided always the proposal for such loan has been

been submitted by the trustees to and sanctioned at a special meeting of the ratepayers of the section, called for the purpose.

(2) All applications for a loan, for the purposes herein mentioned, shall be made by the trustees of a union school section to the council of the municipality within which the school house or site of such union section is situated, and all debentures for the payment of such loan shall be issued by such municipality. Any other municipality or municipalities forming part of the union school section shall pay, on the requisition of the clerk of the municipality by which the debentures were issued, as they come due, its or their share of the loan, including interest, according to its or their liability for school purposes, as determined by section 51 of this Act.

Applications for loans to be made to, and debentures issued by council.

(3) Notwithstanding any alteration which may be made in the boundaries of any school section, the taxable property situated in the school section at the time when such loan was effected, shall continue to be liable for the rate which may be levied by the township council for the repayment of the loan. 54 V. c. 55, s. 115 (1-4).

Liability for loan.

(4) The expenses of preparing and publishing any by-laws or debentures, and all other expenses incident thereto, shall be paid by the school section on whose behalf such debentures were issued, and the amount of such expenses may be deducted from any school rates collected by the municipal council for such school section. 55 V. c. 60, s. 3.

Expenses of publishing by-laws.

**71.**—(1) The trustees of any rural school may require the council to raise, by one yearly rate, such sums as may be necessary for the purchase of a schoolhouse or site, or the erection of a schoolhouse or teacher's residence.

Application to council for schoolmoneys

(2) No municipal council shall levy or collect during any one year more than one school rate except for the purchase of a school site, or for the erection of a schoolhouse. 54 V. c. 55 ss. 119-120.

Council not to levy more than one rate except in certain cases.

#### DEBENTURES IN URBAN MUNICIPALITIES.

**72.**—(1) The municipal council of any urban municipality may, on the application of the board of public school trustees, pass a by-law for any of the purposes mentioned in the preceding section. Where the municipal council refuses to raise or borrow the sum required, then the question shall be submitted by the municipal council, if requested by the board of trustees, to the vote of the electors qualified to vote under *The Municipal Act* for the creating of debts, who are supporters of public schools, in the manner therein provided, and on the assent of such electors being obtained the council shall raise or borrow such sum ;

Submission of question to vote of electors.

55 V. c. 42.



Form and  
term of  
debenture.

(2) Debentures issued for school purposes may be in the form given by this Act, and for such term of years and for such amount as the council shall see fit, not exceeding thirty years, or the municipal council may, in its discretion make the principal and interest of such debt repayable by annual or other instalments, in the manner provided in *The Municipal Act*. 54 V. c. 55, ss. 116, 117.

(3) Application for the issue of debentures for school purposes by the trustees of urban municipalities to which part of an adjoining township is attached shall be subject to the provisions of this section.

Exemption by  
by-law not to  
affect liability  
for school  
rates.

73. No by-law passed by any municipality after the 14th day of April, 1892, for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 55 V. c. 60, s. 4.

School cor-  
porations may  
borrow sur-  
plus moneys.

74. Any school corporation may, with the consent of the ratepayers first had and obtained at a special meeting duly called for that purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys derived from the Ontario municipalities fund, or from any other source, for such term and at such rate of interest as may be set forth in such resolution, for the purpose of purchasing a school site, or erecting a schoolhouse; and any sum so borrowed shall be applied to that purpose, and to that only. 54 V. c. 55, s. 121.

#### TREASURERS OF SCHOOL MONEYS.

Sub-treasur-  
ers of school  
moneys.

75.—(1) For all school purposes township treasurers shall be considered sub-treasurers of the county treasurer, provided always that the county council may by by-law constitute the county treasurer, the sub-treasurer for municipalities not separated from the county. The treasurer or secretary-treasurer of each city or town separated from the county shall receive the government grants apportioned to the city or town and shall hold the same for school purposes subject to the order of the board of trustees.

Treasurer and  
sureties,—  
responsible to  
municipality.

(2) The treasurer and sub-treasurer and their sureties shall be accountable for school moneys to the county city or town (as the case may be), and any bond or security given by them for duly accounting for and paying over moneys coming into their hands, belonging to the county, city or town, shall apply to all school moneys, and may be enforced against the treasurer or his sureties, in case of default on his or their part.

Bonds to  
apply to school  
moneys, etc.

(3) The bond of the treasurer and his sureties shall apply to school moneys, and all public moneys of the Province, and, in case of any default, Her Majesty may enforce the responsibility of the county, city or town, either by stopping a like amount.



amount out of any public moneys payable to the county, city, or town, or to the treasurer thereof or by action against the corporation;

(4) Any person aggrieved by the default of the municipal treasurer may recover from the corporation of any city, county or town, the amount due or payable to such person as money had and received to his use. 54 V. c 55, ss. 118, 124, 125, 126, 127. City, etc., responsible for default of treasurer, etc.

#### DUTIES OF TEACHERS.

76.—(1) It shall be the duty of every teacher of a public school, to teach diligently and faithfully all the subjects in the public school course of study; to maintain proper order and discipline in the school; to encourage the pupils in the pursuit of learning; to inculcate by precept and example, respect for religion and the principles of Christian morality, and the highest regard for truth, justice, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues. To teach according to law, preserve discipline, etc.

(2) To use the English language in the instruction of the school and in all communications with the pupils in regard to discipline and the management of the school, except where impracticable by reason of the pupil not understanding English. Recitations requiring the use of a text-book may be conducted in the language of the text-book; Use of English language.

(3) To see that the schoolhouse is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon, to call the roll every day according to the register prescribed by the Education Department; to enter in the visitors' book visits made to the school; to give the inspector, trustees and visitors access, at all times, to the register and visitors' book; and to deliver the register, the schoolhouse key and other school property in his possession to the corporation employing him on demand, or when his agreement with such corporation has expired; Duties in and about the school-house, registers, etc.

(4) To classify the pupils strictly according to the course of study prescribed by the Education Department; to conduct the school according to a time-table accessible to pupils and visitors; to prevent the use by pupils of unauthorized text-books; to attend regularly the teachers' institutes in the inspectoral division; to notify the trustees and inspector of absence from school, through illness or other unavoidable cause; and to make at the end of each school term, and subject to revision by the inspector such promotions from one class or form to another as he may deem expedient; Classification of scholars and conduct of classes.

(5) To hold during each half year a public examination of the school, and to give due notice thereof to the trustees, to any school visitors who reside in the school section, and through Examinations.

through the pupils, to their parents or guardians, and to hold such other examinations as may be required by the inspector for the promotion of pupils, or for any other purpose as the inspector may direct;

Information  
for depart-  
ment.

(6) To furnish the Minister of Education, or the school inspector with any information which it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils or any other matter affecting the interests of the school, and to prepare such reports of the corporation employing him as are required by the Education Department;

Care of health  
of scholars,  
preservation  
of school pro-  
perty.

(7) To give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the school-rooms, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement of the playgrounds, and to report promptly to the trustees and municipal health officer the appearance of any infectious or contagious disease in the school, or the unsanitary condition of outhouses and surroundings;

Infectious  
diseases  
among pupils.

(8) To refuse admission to the school of any pupil affected with, or exposed to smallpox, scarlatina, diphtheria, whooping cough, measles, mumps, or other contagious disease until furnished with a certificate of a physician or of a health officer to the effect that all danger from exposure to contact with such pupil has passed away;

Disciplinary  
powers.

(9) To suspend any pupil guilty of persistent truancy, violent opposition to authority, habitual neglect of duty, the use of profane or improper language or conduct injurious to the moral tone of the school, and to notify the parent or guardian of the pupil, and the trustees, of such suspension. The parent or guardian of any pupil suspended may appeal against the action of the teacher to the trustees, who shall have power to consider such appeal and remove or confirm such suspension

#### AGREEMENTS.

Valid agree-  
ments with  
teachers.

77.—(1) All agreements between trustees and teachers shall be in writing, signed by the parties thereto, and shall be sealed with the seal of the corporation;

Suspension of  
certificate  
for breach of  
agreement.

(2) Any teacher who wilfully neglects or refuses to carry out his agreement, shall, on the complaint of the trustees, be liable to the suspension of his certificate by the inspector under whose jurisdiction he may be for the time being;

Qualified  
teacher de-  
fined.

(3) No person engaged to teach a public school shall be deemed a qualified teacher who does not at the time of entering into an agreement with the trustees, and during the whole period of such agreement, hold a legal certificate of qualification;

(4) Any teacher who enters into an agreement with a board of trustees for one year, and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year ; Proportion of salary to which teacher entitled.

(5) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year ; this period may be increased at the pleasure of the trustees. Case of sickness.

(6) If at the expiration of a teacher's agreement with a board of trustees his salary has not been paid in full, such salary shall continue to run at the rate mentioned in such agreement until paid, provided always that an action shall be commenced within three months after the salary is due and payable by the trustees. 54 V. c. 55, ss. 132-137. Protection of teachers in regard to salary.

(7) All matters of difference between trustees and teachers, in regard to salary or other remuneration under a valid agreement, shall, whatever may be the amount in question, be brought in the division court of the division where the cause of action arose, subject to appeal, as provided by this Act ; Provision in case of difference between teacher and trustees.

#### TEACHERS' CERTIFICATES.

78.—(1) Any person a subject of Her Majesty, who is not less than eighteen years of age, of good moral character and who passes the examinations prescribed by the Education Department, may be awarded a first, second or third-class certificate according to the standards required by such examination ; Three classes of certificates.

(2) Subject to any regulations of the Education Department with regard to experience in actual teaching, certificates of the first and second class shall be valid during good conduct ; certificates of the third class shall be valid for a period of three years. Every third-class certificate shall have the signature of at least one public school inspector. First, second and third-class certificates.

(3) The inspectors of the territorial districts, or any county board of examiners, may issue certificates valid only within the district of such inspector, or the jurisdiction of the county board, for a term not exceeding one year, subject to the regulations of the Education Department. District certificates.

(4) Certificates granted before the fifteenth day of February, in the year 1871, shall remain in force on the terms of the Act under which they were granted ; Former certificates continued.



First-class  
valid.

(5) First-class certificates issued under any Act of this Province before the fifteenth day of February, 1871, and valid on the 24th day of March, 1874, shall be valid in the Province during the good conduct of the holder thereof;

Second-class  
valid.

(6) Second-class certificates issued and valid as aforesaid, shall, when the holders, thereof, have taught for ten years in Ontario be valid during good conduct within the territory in which they were granted.

Suspension of  
certificate for  
misconduct,  
etc.

(7) The inspector may suspend the certificate of any teacher under his jurisdiction for inefficiency, misconduct, or a violation of this Act or of the regulations of the Education Department. In every case of suspension, he shall notify in writing the trustees concerned, and the teacher, of the reasons for such suspension;

Meeting of  
county board,  
consideration  
of suspension.

(8) The inspector shall forthwith call a meeting of the county board of examiners for the consideration of such suspension, of which due notice shall be given to the teacher so suspended, and the decision of the board shall be final. 54 V. c. 55, ss. 140-144 (1-3).

#### COUNTY BOARDS OF EXAMINERS.

To examine  
teachers and  
give certi-  
cates.

**79.**—(1) The municipal council of each county shall appoint annually a board of examiners, consisting of the inspector or inspectors having jurisdiction within the county or any part thereof, and not more than two other persons holding first-class certificates of qualification, for the purpose of examining candidates for teachers' third class certificates and for such other purposes as are prescribed by this Act. The members so appointed shall continue in office till their successors are appointed, and shall hold at least one examination each year. A majority of the board shall form a quorum;

Additional  
examiners.

(2) Where deemed necessary from the general use of the French or German language, the county council may appoint additional examiners, not exceeding two, for the purpose of conducting the examination of candidates for a teachers' certificate in either of the languages aforesaid;

Expenses of  
examination.

(3) The treasurer of the county shall, on the requisition of the chairman of the board, pay all the incidental expenses of the examination of third-class teachers. He shall also, on a like requisition, pay each member of the board the sum of \$4 per diem and travelling expenses while engaged as examiner;

Fees of exami-  
ner in investi-  
gating stand-  
ing of teacher.

(4) Every member of a county board of examiners while engaged in conducting an investigation affecting the standing of any teacher within the jurisdiction of the board shall be paid the sum of \$4 per diem and travelling expenses by the treasurer of the county;



(5) After the passing of this Act no person shall be appointed a member of a county board of examiners who is not actually engaged in teaching and who has not had at least three years' experience as a teacher in a public or separate school. 54 V. c. 55, s. 145 (1-5). None but teachers to be examiners.

#### COUNTY MODEL SCHOOLS.

**80.**—(1) The board of examiners of every county shall, subject to the regulations of the Education Department, set apart at least one public school in each county as a county model school for the training of teachers for third-class certificates; One school in each county to be set apart as county model school.

(2) Where more model schools than one have been established in any county and where the whole number of teachers in training for the two preceding years at such schools has not exceeded twenty-five, the county board of examiners may, with the approval of the Education Department, discontinue one or more of such schools, but not so as to reduce the number below that required by this Act; When model schools may be discontinued.

(3) The municipal council of every county shall pay to the treasurer of each public school within the county to which a model school is attached an amount at least equal to the sum voted by the Legislative Assembly for each county model school, but the amount to be provided by the county council shall not be less than the sum of \$150 annually, and the council may, if it sees fit, provide a larger amount of aid. 54 V. c. 55, s. 146 (1-3). Aid to county model schools.

(4) The board of trustees of any city may set apart one or more of such city schools for the training of third-class teachers, subject to the regulations of the Education Department. Setting apart school for training third class teachers.

#### TEACHERS' INSTITUTES.

**81.**—(1) The teachers of one or more inspectorial districts may organize themselves into a Teachers' Institute for the purpose of receiving instruction in methods of teaching and for discussing educational matters, subject to the regulations of the Education Department; Organization of teachers' institutes.

(2) The Minister of Education may apportion out of any moneys voted by the Legislative Assembly for that purpose the sum of \$25 to each teachers' institute organized and conducted according to the regulations of the Education Department, and the municipal council of each county or city shall pay annually to the order of the president of each teachers' institute within the county or city a sum at least equal to the amount so apportioned by the Minister of Education. 54 V. c. 55, s. 147 (1-2). Aid to teachers' institutes.

## INSPECTORS.

Qualification  
for appoint-  
ment as in-  
spector.

82.—(1) No person shall be appointed inspector of public schools in any county, city, or town who does not hold an inspector's certificate of qualification, as prescribed by the regulations of the Education Department, and no inspector shall, during his tenure of office, engage in, or hold any other employment, or calling, which interferes with the full discharge of his duties as inspector.

When more  
than one  
inspector to be  
appointed.

(2) The board of trustees of every city and town separated from the county shall appoint an inspector of public schools for such city or town. When the teachers engaged by the trustees of any city exceed three hundred in number the board shall appoint two inspectors, and likewise an additional inspector for every three hundred teachers on the staff above six hundred.

Number of  
inspectors.

(3) The municipal council of every county shall appoint an inspector for such county, provided always that any inspector appointed hereafter for a county or part of a county, shall be the inspector of the schools of any town not separated from the county in the district to which he has been appointed.

Jurisdiction  
of inspectors.

(4) No county inspector hereafter appointed shall have charge of more than one hundred and twenty schools or less than fifty, but it shall not be necessary to appoint more than one inspector in each electoral division of a county.

French or  
German.

(5) In counties containing any municipality wherein the French or German language is the common or prevailing language, an inspector may have charge of any number of schools not less than forty.

Counties may  
appoint addi-  
tional in-  
spectors and  
change in-  
spectors.

(6) In counties where there are more than fifty public schools, the county council may appoint two or more inspectors, and prescribe and number the territorial divisions of each, and change or remove the inspectors from one division of the county to another.

Warden may  
supply vacan-  
cies in the  
office of  
inspector

(7) In the event of a vacancy occurring in the office of county inspector, the warden of the county may appoint any person legally qualified to fill such vacancy until the next ensuing meeting of the county council. Notice of such appointment or of any appointments by the county council shall be given to the Minister of Education forthwith.

Remuneration  
of county in-  
spector.

(8) The county council shall pay quarterly to every county inspector at the rate annually of \$5 for every teacher occupying a separate room with a separate register, and, in addition, reasonable travelling expenses, such expenses to be determined by the county council.

Payment of  
inspector's  
salary in  
towns not  
separated.

(9) When the public school board of any town not separated from the county has before the passing of this Act appointed an inspector, other than the county inspector within whose district such town is situated, the county treasurer,

treasurer, on demand, shall pay to the order of such board a sum of money equal to the amount collected within such town for the payment of the salary of the county inspector.

(10) The sum of \$5 for every teacher occupying a separate room with a separate register, shall be paid out of any sum of money appropriated by the Legislature for that purpose as the Lieutenant-Governor-in-Council may direct towards the salary of the county inspector and a similar sum to the school board of any city or town separated from the county, towards the payment of the salary of the inspector of the city or town.

Grants in aid of inspector's salary.

(11) In cases where any inspector requires the testimony of witnesses to the truth of any fact alleged in any complaint or appeal made to him or to the Minister of Education or the Education Department, it shall be lawful for such inspector to administer an oath to such witnesses, or to require their solemn affirmation before receiving their testimony.

Inspector to swear witnesses in certain cases.

(12) Any public school inspector shall, in case of misconduct or inefficiency, be subject to dismissal by the Lieutenant-Governor in Council, or by a majority of the members of the council or board of trustees appointing him, or without cause by a vote of two-thirds of such council or board, and no such inspector shall be re-appointed without the concurrence of the party who dismissed him. 54 V. c. 55, ss. 149-152, 158-160, 189.

Conditions of dismissal of inspector.

**83.** It shall be the duty of every public school inspector :—

Duties of inspectors.

1. To visit every public school within his jurisdiction once in each term, unless otherwise directed by the county council or board of trustees by which he was appointed; to deliver from time to time, public lectures in his district on some subject connected with public school education; to call a special meeting of the section when deemed expedient and to see that every school is conducted according to this Act and the regulations of the Department;

To visit each school once a term.

2. To examine into the condition of the school, as respects the progress of the pupils in learning, the order and discipline observed, the system of instruction pursued, the mode of keeping the school registers, the average attendance of pupils, the character and sanitary condition of the buildings and premises, and to give such advice to the teachers, pupils and officers of the school as he may consider proper;

Examine the state of the school.

3. To withhold his order for the amount apportioned from the legislative or municipal grant, (a) When any school was kept open for less than six months in the year, or (b) When the trustees fail to transmit the annual or semi-annual school returns properly filled up, or (c) When the trustees fail to comply with the school Act or the regulations of the Education Department, or (d) When the teacher uses, or permits

To withhold order for grant in certain cases.



permits to be used, as a text-book any book not authorized by the Education Department; and in every case to report to the trustees and to the Education Department his reasons for so doing;

Report of health officer.

4. To report to the trustees and to the medical health officer of the municipality in which the school house is situated, in every case in which the school premises or buildings are found to be in an unsanitary condition and to withhold the school grants in all such cases until he receives a certificate from such health officer or board of health that the provisions of *The Public Health Act* have been duly complied with.

Rev. sta ,  
c. 205.

To give information and report to Minister.

5. To give when desired any information in his power to the Minister of Education, respecting any matter in connection with a public school within his jurisdiction, and to prepare and transmit to the Minister of Education, on or before the first day of March, an annual report in the form prescribed by the Education Department;

May give temporary certificates to teachers.

6. To give, at his discretion, any candidate, on due examination, a certificate of qualification to teach a school within his district until the next ensuing professional examination of teachers; and to discharge such other duties as may be required by the Minister of Education, the county council or the board of trustees by which he was appointed;

Deliver up papers on retiring from office.

7. To deliver over to his successor, on retiring from office, copies of his official correspondence, and all school papers in his custody, on the order of the county council or public school board appointing him. 54 V. c. 55, s. 155 (1-10.)

#### ALLOWANCE TO ARBITRATORS AND INSPECTORS.

Allowance to arbitrators.

84.—(1) Any person engaged as arbitrator on any matter arising under this Act shall be paid the sum of four dollars per diem and travelling expenses. In making their award the arbitrators shall, among other things, determine the liabilities of the parties concerned for the costs of the arbitration, and such determination shall be final and conclusive;

Allowance to inspectors in certain cases.

(2) When any complaint is made to an inspector with regard to any matter affecting the validity of the election of a public school trustee, or the procedure of a school meeting requiring the taking of evidence where the cause of complaint arose, the trustees of the school section concerned shall pay the inspector while conducting such investigation the sum of \$4 per diem and travelling expenses. 54 V. c. 55, s. 161 (1-2.)

#### SUPERANNUATION.

Superannuation fund.

85.—Every teacher or inspector whose name is entered as having paid into the fund for superannuated teachers, may continue to contribute to such fund in such manner as may be



be prescribed by the Education Department, the sum of at least \$4 annually, but no payment of arrears to the fund shall be allowed after the 30th day of March, 1885. 54 V. c. 55 s. 162.

86.—(1) On the decease of any teacher or inspector, his wife, her husband, or legal representative, shall be entitled to receive back the amount paid into the superannuation fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. Repayment to wife, etc., of deceased teacher.

(2) No teacher or inspector who has reached the age of sixty years shall be held to be disqualified from superannuation by reason of his having retired from active service before reaching the age of sixty, provided that such teacher or inspector has served for a period of thirty-five years, and that no payment shall be made to such teacher or inspector until he has reached the age of sixty. 54 V. c. 55, s. 163 (1-2.)

87.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the superannuated teachers' fund as provided by this Act, shall on reaching the age of sixty years, if he retires from the profession receive an annual allowance at the rate of \$6 per annum, for every year of service in Ontario, upon furnishing evidence of good moral character, age, and length of service. Right of teacher to retire on reaching sixty years of age.

(2) Every teacher or inspector, under sixty years of age who has contributed as aforesaid, and who is disabled from practising his profession, shall be entitled to a like annual allowance upon furnishing evidence as to length of service, moral character, and disability. Teachers under sixty.

(3) Every superannuated teacher who holds a first or second class provincial certificate, or a first-class county board certificate, and every principal of a high school or collegiate institute shall be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as principal of a high school or collegiate institute. \$1 per annum extra to certain teachers.

(4) The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the teacher's moral character be unsatisfactory to the Education Department. Proviso in regard to good moral character.

(5) If any superannuated teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, his allowance shall be suspended during the time of his being so engaged. In case such teacher or inspector is again placed on the superannuation list an allowance for the additional time of service shall be made on compliance with this Act, and the regulations of the Education Department. Teacher resuming profession. Again retiring.

Forfeiture of claims.

(6) Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the superannuation fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers.

Teachers not availing themselves of Act.

(7) In the case of those teachers or inspectors who may not avail themselves of the provisions of section 85 or sub-section 8 of this section of this Act, the provisions of sections 85 to 87 inclusive shall apply so far as relates to all sums of money already paid into the fund for superannuated teachers.

Repayment to contributors.

(8) Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the superannuated teachers' fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid by him or her to the fund, through the public school inspector, or otherwise. 54 V. c. 55, ss. 164 (1-3) 165-171.

#### NON-RESIDENT PUPILS.

Admission of non-resident pupils.

88.—(1) The trustees of every public school shall admit to their school any non-resident pupils who reside nearer such school than the school in their own section, providing always the inspector reports the accommodation of the school room sufficient for the admission of such pupils. In case of dispute as to the distance from the school, the decision of the inspector shall be final.

Fees of non-resident pupils.

(2) The parents or guardians of such non-resident children shall pay to the trustees of the school to which their children have been admitted such fees monthly as may be mutually agreed upon, provided such fees, together with the taxes paid to such school (if any), do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (1-2)

A resident of one section sending his children to another section.

(3) Any person residing in one school section, and sending his children to a neighboring school, shall be liable for the payment of all rates assessed on his taxable property for the school purposes of the section in which he resides, but it shall be lawful for any board of trustees to remit the fees paid to the trustees of the neighboring section. 58 V. c. 57, s. 9.

Attendance of children of non-residents.

(4) Where the property of a non-resident is assessed for an amount equal to the average assessment of residents the children of such non-resident shall be admitted to the public school of the section on the same terms and conditions as the children of residents. 54 V. c. 55, s. 9 (1-2).

Remission of school tax where certain fees paid.

(5) When the children attending a neighboring section are three miles or more distant in a direct line from the school-house in the section to which they belong, the trustees of the section in which such children are resident shall remit as much of the taxes chargeable upon the parents or guardians of such children

children, for school purposes, as would be at least equal to the fees paid to such neighboring section. 58 V. c. 57, s. 10;

(6) In case a county council establishes a house of refuge in any county any person of school age maintained in such house of refuge shall for the purposes of this Act be deemed a non-resident, and the county council shall pay to the trustees of the school attended by such person or persons such monthly fees as may be mutually agreed upon, provided such fees do not exceed the average cost of the instruction of the pupils of such school. 54 V. c. 55, s. 172 (3). Pupils in house of refuge.

#### HOLIDAYS.

**89.**—(1) The public school teaching year shall consist of Terms. two terms: in rural schools the first term shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(2) In urban municipalities the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged, shall be a holiday in public schools. 54 V. c. 55, s. 173 (1-3).

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth.

#### AUTHORIZED BOOKS.

**90.**—(1) Any authorized text-book in actual use in any public or model school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees and the inspector, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given; Change of text-book.

(2) In case any teacher shall negligently or wilfully permit any unauthorized text-book to be used by the pupils of his school, he shall for each such offence, on conviction thereof before a police magistrate or justice of the peace, be liable to a penalty payable to the municipality for public school purposes, not exceeding \$10, together with costs, as the police magistrate or justice may think fit. 54 V. c. 55, ss. 174-176. Substitution of unauthorized text-books.



## APPEALS FROM DIVISION COURT DECISIONS.

Appeals from  
Division  
Courts.

**91.**—(1) The judge of any division court wherein any action between teachers, inspectors, trustees, or others acting under this Act, or *The High Schools Act*, is tried, may, at the request of either party, order the entering of judgment to be delayed for a sufficient time to enable such party to apply to the Minister of Education to appeal the case.

Minister may  
appeal to  
High Court.

(2) The Minister may, within one month after the rendering of judgment in any such case, appeal from the decision of the division court judge to the High Court at Toronto, by serving notice in writing of such appeal upon the clerk of the division court appealed from, which appeal shall be entitled "The Minister of Education for Ontario, Appellant, in the matter between (A. B. and C. D.)." But nothing herein contained shall be held to interfere with the right of any of the parties to the action exercising the ordinary right of appeal.

Judges to send  
papers to  
High Court.

(3) The judge whose decision is thus appealed from, shall thereupon certify under his hand, to the Registrar of the Division of the High Court appealed to, the summons and statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections made thereto. After notice of appeal has been served as hereinafter provided no further proceedings shall be had in such case until the matter of appeal has been decided by the High Court.

No further  
proceedings  
to be taken  
after notice  
of appeal.

Judge to  
certify pro-  
ceedings to  
the Minister.

(4) On the Judge receiving a notice of appeal from his decision (under the authority of this Act), he shall thereupon certify under his hand, to the Minister of Education, the statement of claim and other proceedings in the case, together with the evidence and his own judgment thereon, and all objections thereto. The High Court shall give such order or decision to the court below, touching the judgment to be given in the matter, as the circumstances of the case require. Upon receipt of such order, direction and certificate, the judge of the division court shall forthwith proceed in accordance therewith.

Order of  
Court.

Proceedings  
in division  
court when  
appeal  
decided.

Costs

(5) The court may also in its discretion award costs against the appellant, which costs shall be certified to and form part of the judgment of the court below. All costs awarded against an appellant, and all costs incurred by him, may be paid by the Minister, and charged as contingent expenses of his office. 54 V. c. 55, ss. 179-183.

## SCHOOL VISITORS.

Public school  
visitors  
defined.

**92.**—(1) Judges, members of the Legislature, members of county councils, and aldermen shall be school visitors in the municipalities where they respectively reside. All clergymen shall be school visitors in the municipalities where they have pastoral charge.

(2)



(2) School visitors may visit public schools as in this Act provided. They may also attend the examination of schools, and at the time of any such visit, may examine the progress of the pupils, and the state and management of the school, and give such advice to the teacher and pupils, and any others present, as they deem expedient. 54 V. c. 55, ss. 184-185.

Authority to visit public schools.

#### PENALTIES AND PROHIBITIONS.

**93.** If any township clerk neglects or refuses to prepare and furnish the map of the school sections of his municipality as required by this Act, or if he neglects for one month to make any return required by this Act, he shall be liable to a penalty not exceeding \$10, to be recovered before a Justice of the Peace, for the school purposes of his municipality, at the instance of any ratepayer thereof. 54 V. c. 55, s. 186.

Clerk neglecting or refusing to perform duties.

**94.** Any person who wilfully makes a false declaration of his right to vote at any school meeting or election of school trustees shall be liable to a penalty of not less than \$5 nor more than \$10 to be sued for and recovered with costs before a Justice of the Peace, by the public school trustees of the city, town, village, or school section, for its use. 54 V. c. 55, s. 187.

Also declaration as to right to vote.

**95.** Any public school trustee who refuses to serve after being duly elected shall be liable to a penalty of \$5, and any person elected as a school trustee who attends any meetings of the school board as such, after being disqualified under this Act, shall be liable to a penalty of \$20 for every meeting so attended. 54 V. c. 55, s. 188.

Disqualified persons acting as trustees.

**96.** No public school trustee shall be eligible to appointment as public school inspector, or teacher, within the section of which he is a trustee; nor shall the teacher of any public, high, or separate school hold the office of public school trustee, nor shall an inspector be a teacher or trustee of any public, high or separate school while he holds the office of inspector. 54 V. c. 55, s. 189.

Trustees not to hold certain offices.

**97.** Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be an actual resident within the school section for which he is a trustee, shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election. 54 V. c. 55, s. 190.

Seat vacated by conviction for crime, etc.

**98.** Any trustee who has any pecuniary interest, profit or promise or expected benefit in, or from any contract, agreement or engagement, either in his own name, or in the name of another, with the corporation of which he is a member, or who receives

Seat vacated by interest in contract with corporation

receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and on the complaint of two ratepayers of the section or of the remaining trustee or trustees, the county judge may declare the seat vacant, and forthwith order a new election, provided always that it shall be lawful for the trustees of any rural school section to allow the secretary or secretary-treasurer such compensation for his services, for the purposes specified in this Act, as may be approved at the annual meeting of the ratepayers and duly entered in the minutes. 54 V. c. 55, s. 191.

Penalty for not calling school meetings.

**99.** In case any annual or other rural school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give the notice, shall forfeit the sum of \$5 to be sued for and recovered before a justice of the peace, by any resident inhabitant in the rural school section, for the use thereof. 54 V. c. 55, s. 192.

Penalty for disturbing a school or school meeting.

**100.** Any person who wilfully disturbs, interrupts, or disquiets the proceedings of any school meeting authorized to be held by this Act, or anyone who wilfully interrupts or disquiets any public school established and conducted under its authority, or other school, by rude or indecent behavior, or by making a noise either within the place or where such school is kept or held, or so near thereto as to disturb the order of exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for public school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20 together with the costs of the conviction, as the said justice may think fit. 54 V. c. 55, s. 193.

Penalty for refusing to perform duties.

**101.** Every person elected as trustee who has not refused to accept the office, and who at any time refuses or neglects to perform its duties, shall forfeit the sum of \$20 to be sued for and recovered before a Justice of the Peace, by the trustees, or any person whatsoever for the purposes of such trustees. 54 V. c. 55, s. 195.

Penalty for refusing to exercise corporate powers.

**102.** Any trustee or public school corporation who wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them, shall be held to be personally responsible for the fulfilment of such contract or agreement. 54 V. c. 55, s. 196.

Penalty on chairman for neglect.

**103.** Any chairman who neglects to transmit to the county inspector a minute of the proceedings of any annual or other

rural

rural school section meeting over which he has presided, within ten days after the holding of such meeting shall be liable, on the complaint of any ratepayer, to a fine of not more than \$5 to be recovered as provided by this Act. 54 V. c. 55, s. 197.

**104.** If any trustees refuse or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. 54 V. c. 55, s. 198.

Liability for neglect to take security.

**105.** If any part of the public school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them by the person entitled to receive the same, by action in any court having jurisdiction to the amount, or by information at the suit of the Crown. 54 V. c. 55, s. 199.

Responsibility in case of lost school moneys.

**106.** No secretary-treasurer appointed by the school trustees of any school section, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect or refuse to deliver up, or account for, and pay over the same or any part thereof to the person, and in the manner directed by the school corporation then in office, or by other competent authority; and such withholding, neglect or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. 54 V. c. 55, s. 200.

Penalty on secretary-treasurer, or trustee for refusing to account.

**107.—(1)** Upon application to the judge of the county court, by a majority of the trustees, or by any two ratepayers of the section supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him at a time and place to be appointed in the order.

Mode of proceeding.

**(2)** Any bailiff of a division court, upon being required by the judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence.

Service of order.

**(3)** At the time and place so appointed, the judge being satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint

Judge to issue order.



complaint is well founded, the judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may tax.

Effects of non-compliance with judge's order.

(4) In the event of non-compliance with the terms specified in such order, or any of them, the judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the judge is satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels or moneys in question, in the manner directed by the majority of the trustees, or other competent authority as aforesaid; upon proof of his having so done, the judge shall make an order for his discharge, and he shall be discharged accordingly.

Other remedy not affected.

(5) No such proceedings shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer, or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. 54 V. c. 55 ss. 201, (1-2), 202, 203, 204.

Penalty on trustees refusing information, etc., to auditor.

**108.** The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of the school corporation, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any ratepayer, shall be liable to a penalty of \$20. 54 V. c. 55, s. 205.

Penalty for neglect to send half-yearly returns.

**109.** In case the trustees of any rural school section neglect to transmit to the county inspector, on or before the 15th day of January in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the twelve months then immediately preceeding, then the school section shall not be entitled to the apportionment from the school fund for the said twelve months, and the trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. 54 V. c. 55, s. 206.

Penalty for delaying yearly report.

**110.** In case the trustees of any school section neglect to prepare and forward the aforesaid annual report to their county inspector by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, for-



feit the sum of \$5 to be sued for by the county inspector, and collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 207.

**111.**—(1) If any trustee of a public school knowingly signs a false report, or if any teacher of a public school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, or for any other improper purpose, the trustee or teacher shall, for every offence, forfeit to the public school fund of the municipality the sum of \$20 for which any person whatever may prosecute him before a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Penalty for false school reports and registers.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender, and shall be paid by the justice to the public school board. 54 V. c. 55, s. 208 (1-2).

Recovery by distress.

**112.** The trustees of every school section shall be personally responsible for the amount of any school moneys forfeited by or lost to the school section in consequence of the neglect of duty of the trustees during their continuance in office. The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. 54 V. c. 55, s. 209 (1-2).

Trustees personally responsible for moneys lost.

#### GENERAL PROHIBITIONS.

**113.**—(1) No teacher, trustee, inspector, or other person officially connected with the Education Department, the normal, model, public, or high schools or collegiate institutes, shall become or act as agent for any person or persons to sell, or in any way to promote the sale for such person or persons, of any school, library, prize or text-book, map, chart, school apparatus, furniture or stationery, or shall receive compensation or other remuneration or equivalent for such sale, or for the promotion of sale in any way whatsoever.

No inspector, trustee, teacher, etc., to act as agent for the sale of books, maps, etc.

(2) Any teacher who refuses to give up possession of any visitor's book, school register, schoolhouse key or any other school property in his possession shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees. 54 V. c. 55, s. 210 (1-2).

Refusal to give up key, etc.

#### HOW FINES AND PENALTIES MAY BE RECOVERED.

**114.**—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, 19 s.

How penalties under this Act shall be recoverable.

by

by and before any police magistrate or justice of the peace having jurisdiction within the municipality in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied and collected with costs, by distress and sale of the goods and chattels of the offender, and shall be by the police magistrate or justice paid over to the school treasurer of the school section, city, town, or village, or other party entitled thereto.

(3) In default of such distress, the police magistrate or justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavoring to collect the same, are sooner paid. 54 V. c. 55, s. 211 (1-3).

#### CONFIRMING AND SAVING CLAUSES.

School lands granted before 1850 vested in trustees for school purposes.

**115.** All lands which previous to the 24th day of July 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes, and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which such lands are respectively situate, shall continue vested in such trustees, and shall continue to be held by the said trustees and their successors upon the like trusts and subject to the same conditions and estates upon or subject to which the said lands are now respectively held. 54 V. c. 55, s. 212.

Acts repealed.

**116.** The following Acts and parts of Acts are hereby repealed: The Act passed in the 54th year of Her Majesty's reign, chaptered 55; sections 2, 3 and 4 of the Act passed in the 55th year of Her Majesty's reign, chaptered 60; sections 4 to 10 of the Act passed in the 58th year of Her Majesty's reign, chaptered 57.

## FORM A.

(Section 72.)

## FORM OF SCHOOL DEBENTURE.

## PROVINCE OF ONTARIO.

\$ Debenture of the \_\_\_\_\_ of \_\_\_\_\_ County of \_\_\_\_\_ No.  
School Loan. \_\_\_\_\_, for

The corporation of the \_\_\_\_\_ of \_\_\_\_\_ hereby promises  
to pay to Bearer at the Bank of \_\_\_\_\_, at \_\_\_\_\_ the sum  
of \_\_\_\_\_ dollars, in lawful money of Canada \_\_\_\_\_ year  
from the date hereof; and to pay interest at the rate of \_\_\_\_\_ per  
cent. per annum, half-yearly, to the Bearer of the annexed  
coupons respectively, upon the presentation thereof at the said  
Bank.

Issued at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_, by  
virtue and under the authority of *The Public Schools Act, 1891*,  
of Ontario, and pursuant to By-law No. \_\_\_\_\_ of said \_\_\_\_\_ of  
\_\_\_\_\_, passed on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, intituled  
“A By-law to raise by way of loan the sum of \_\_\_\_\_ dollars for  
the purpose therein mentioned” (or as the case may be).

A. B., *Reeve or Mayor.*

C. D., *Treasurer.*

## COUPON No.

The Corporation of the \_\_\_\_\_ of \_\_\_\_\_  
will pay the Bearer at the Bank of \_\_\_\_\_,  
at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, the sum  
of \_\_\_\_\_ dollars, interest due on that day  
on Debenture No. \_\_\_\_\_ C. D., *Treasurer.*

## CHAPTER 71.

## An Act consolidating and revising the Laws respecting High Schools and Collegiate Institutes.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## GENERAL.

- Short title. 1. This Act may be cited as "*The High Schools Act, 1896.*"
- Interpretation. 2. Where the words following occur in this Act they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears.
- "High Schools." (1) "High Schools" shall include collegiate institutes, unless a contrary meaning appears.
- "Municipality." (2) "Municipality" shall mean a city, town, incorporated village or township, but shall not mean a county.
- "County." (3) "County" shall also include counties united for municipal purposes.
- "District." (4) "District" shall mean the municipalities and parts of municipalities over which the high school board of trustees has jurisdiction as a corporation.
- "County pupils." (5) "County pupils" shall mean pupils whose parents or guardians reside in the county in which the high school attended by such pupils is situated, but not within the limits of such high school district.
- "Resident pupils." (6) "Resident pupils" shall mean pupils whose parents or guardians reside in the district in which the high school attended by such pupils is situated; or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers of the district.



(7) "Non-resident pupils" shall mean (a) pupils whose parents or guardians do not reside in the county, city or town separated from the county in which the high school attended by such pupils is situated, or (b) pupils whose parents or guardians reside in a high school district of the county other than the district in which the high school attended by such pupils is situated. "Non-resident pupils."

(8) "Permanent improvements" shall mean such expenditure as may be necessary for the purchase or rental of a residence for the teacher, or for the purchase or rental of a school site and the erection or rental of a school house, or for the enlargement of both or either of them, or for permanently changing the system of heating and ventilation, the erection of fences, outhouses and gymnasium, or for the purchase of school furniture, maps and apparatus, library, and all other appliances required by the Regulations of the Education Department for High Schools. "Permanent improvements."

(9) "Maintenance" shall mean such expenditure as may be necessary for ordinary repairs in the teacher's residence or for the improvement of the grounds attached thereto, and for the salaries of teachers, officers and servants of the board and for conducting the entrance examination prescribed by this Act and for repairs to school buildings, outhouses, gymnasium, and fences and for the improvement of the school grounds, the repair of school furniture, insurance of the school property, and sundry expenses for ordinary school purposes and such annual additions to the library, apparatus, and other school appliances as may be required by the Regulations of the Education Department for High Schools. 54 V. c. 57, s. 2, (1-9). "Maintenance."

(10) "County judge" or "judge" shall mean the senior judge of the county in which the high school is situated, provided he is not a member of the High School Board and is able to act, but if he be a member of the Board or is unable to act, then the term shall mean the junior county judge if not a member of the Board and able to act, but otherwise the term shall mean the judge of the adjoining county with the largest population according to the last Dominion census. "County judge" "judge."

3.—(1) The trustees of every high school district shall be a corporation, by the name of "The—High School Board," (prefixing to the term "High School," or, "Collegiate Institute," the name of the municipality within which such high school or collegiate institute is situated), and shall have and possess all the powers usually enjoyed by corporations, so far as the same are necessary for carrying out the purposes of this Act. The trustees of every high school shall hold office until their successors are appointed and the new board is organized. 54 W. c. 57, s. 3. Trustees to be a corporation.

## UNION OF PUBLIC AND HIGH SCHOOL BOARDS.

Boards of  
education.

(2) The trustees of any public and high school exercising jurisdiction within the same municipality may unite as a board of education for such municipality, on filing with the clerk of the municipality certified copies of resolutions to that effect, passed at meetings of each board called for the purpose of considering such union. The union so agreed upon shall take effect on and after the date fixed by this Act for the first meeting of a board of education, and thereupon all property vested in the respective boards shall become vested in the board of education, and all debts, contracts and agreements for which the respective boards were liable, shall become obligations of the board of education.

(3) When a board of education is formed in any municipality in which more high schools than one have been established, all appointments by the municipality to the board of education for high school purposes shall cease from the date of any meeting at which it was agreed to form such board of education until the number of high school representatives appointed by the municipal corporation has been reduced below the number of three trustees for each high school, and thereafter appointments shall be made as provided by this Act, so as to secure a complete rotation of trustees every three years.

(4) The union of the trustees of any public and high school so united shall form one corporation under the name of "The Board of Education" for the city, town, incorporated village or township of—(as the case may be). Such board shall have the powers of public and high school trustees. A majority of the members shall form a quorum.

## DISSOLUTION OF SCHOOL CORPORATIONS.

Dissolution  
boards.

4.—(1) If at any meeting of a board of education called for that purpose a majority of all the members thereof, vote in favour of the dissolution of the board such board shall be dissolved on and after the date fixed by this Act for holding the first meeting of a board of education in each year.

Members of  
board for  
high school to  
be high school  
trustees.

(2) In case any board of education is dissolved, the members of such board of education who were appointed on behalf of the high school shall be the board of trustees for such high school, to hold office the full term of their appointment or until changed according to this Act.

Division of  
property at  
dissolution.

(3) In the case of such dissolution as aforesaid all school property held by the corporation for high school purposes shall vest in the high school board of trustees, subject to any trust for public school purposes attached thereto; and any other property held or possessed jointly by the corporation before dissolution shall be divided as may be agreed upon by the

the trustees of the high school and public school respectively at a meeting called for that purpose. If no division is made within six months, then the division shall be made forthwith by the council of the municipality within which the high school is situated. 54 V. c. 57, s. 4 (1-4).

5. All high school districts and all appointments, agreements, contracts, assessments, and rate-bills, heretofore duly made in relation to high schools existing at the passing of this Act, and all powers and duties connected therewith, shall continue in full force and effect, subject to the provisions of this Act. 54 V. c. 57, s. 5.

Existing high school organizations continued.

#### HIGH SCHOOL DISTRICTS.

6—(1) Where prior to the first day of January, 1896, the municipal council of any county or of any municipality did by by-law set apart and constitute the county or any portion thereof as a district for high school purposes, the by-law, if not heretofore set aside, repealed, or quashed by any lawful authority in that behalf shall, to all intents and for all purposes be considered and taken as valid, legal and binding, and the high school district thereby constituted or intended to be constituted, shall also for all purposes be deemed, and taken as having been lawfully and validly constituted. 54 V. c. 57, s. 6, (1-2).

By-laws setting apart portions of counties for high school purposes.

(2) The county council may, on the petition of any municipal corporation, detach the same or any portion thereof from any high school district formed by by-law of the county council, but any change made in the boundaries of a high school district shall not relieve the taxable property of the district or any portion thereof from rates imposed for the issue of debentures or from any other debts incurred prior to such change. 57 V. c. 58, s. 1.

Lands not relieved from rates.

7.—(1) On the petition of two-thirds of the ratepayers of any municipality or of any portion thereof contiguous to a high school district, the municipal council of such municipality shall, by by-law, unite the whole, or such portion thereof as is set forth in the said petition, to such high school district for high school purposes, and such union shall take effect on the first day of January next following the lapse of six months after the adoption of such by-law.

Union of portions of municipalities for high school purposes.

(2) On like petition and in like manner any municipality or any portion thereof united as aforesaid, may withdraw from such high school district, but any by-law for such withdrawal shall not come into operation until the first day of January next following the lapse of six months from the passing thereof, and shall not relieve the municipality or any portion thereof

Withdrawal from union.

from



from any rates imposed for the issue of debentures or from any other debts incurred while such municipality or part thereof was attached to such high school district.

Certificate of clerk to be evidence as to number of ratepayers.

(3) The certificate of the clerk of the municipality with respect to the number of ratepayers in such municipality, or in that part thereof to which the petition heretofore mentioned is intended to refer, shall be final and conclusive. 54 V. c. 57, s. 7 (1, 2, 3).

Adjustment of assets and liabilities upon union of municipalities.

(4) In all cases in which two municipal corporations are united by proclamation or by any Act of the Legislative Assembly, all the assets and liabilities of the school corporations of the minor municipality shall be assumed by the school corporation of the united municipality. 55 V. c. 60, s. 5.

#### NEW HIGH SCHOOLS.

Establishment and discontinuance of high schools.

8.—(1) On or before the first of July in any year, the municipal council of any county may, subject to approval by the Lieutenant-Governor in Council, pass a by-law for the establishment of a new high school in any municipality, containing not fewer than one thousand inhabitants, according to the last municipal census, and the municipal council of any county may in like manner discontinue, at the end of the current calendar year, any high school already established.

Formation of districts in special cases.

(2) Where it is proposed to form a high school district to be composed of more municipalities than one, the county council may pass a by-law for the establishment of a high school in any incorporated village, although containing less than one thousand inhabitants, within the proposed district, but such by-law shall not be operative until it is shown to the satisfaction of the Lieutenant-Governor in Council that the adjoining municipalities have passed by-laws as provided by section 7 of this Act, for uniting with such incorporated village so as to constitute a district containing at least 3,000 inhabitants according to the last Dominion census.

In cities.

(3) The municipal council of a city may establish as many high schools in such city as it may deem expedient, subject to the approval of the Lieutenant-Governor in Council. 54 V. c. 57, s. 8 (1-3).

#### HIGH SCHOOL COURSE OF STUDY.

Course of instruction in high schools.

9.—(1) In every high school, instruction shall be given in the higher branches of a practical English and commercial education; the natural sciences, with special reference to agriculture; the elements of mathematics and physics; and the Latin, Greek, French and German languages, so far as to prepare students for matriculation into the University of Toronto. When the Senate of the University prescribes optional courses for matriculation, the trustees of any high school may prescribe the option or options to be taken in such school. 54 V. c. 57, s. 9.



(2) Any high school that complies with the regulations of the Education Department with respect to collegiate institutes may be raised to the rank of a collegiate institute by order of the Lieutenant-Governor in Council. 54 V. c. 57, s. 10. Collegiate  
Institutes.

10. It shall be lawful for the trustees of any high school to establish classes in military instruction, and in the event of their so doing and appointing a qualified drill instructor, they shall be entitled to receive the sum of \$50 annually out of any money voted by the Legislative Assembly for that purpose, provided the class consists of not less than twenty-five pupils over sixteen years of age and passes such examination and inspection as may be prescribed by the Education Department. 54 V. c. 57, s. 45. Military  
instruction.

#### TRUSTEES.

11.—(1) Any ratepayer 21 years of age residing in the county or municipality in which the high school is situated who is not a member of the municipal council of such municipality or county shall be qualified to serve as a high school trustee, or as a member of a board of education. 54 V. c. 57, s. 12 (1-2). Qualification  
of trustee.

(2) Every high school corporation shall consist of at least six trustees. In the case of high schools situated in any municipality within the jurisdiction of the county, three of such trustees shall be appointed by the county council, and additional trustees shall be appointed by the municipalities composing the high school district as follows, that is to say :— Number and  
appointment  
of high school  
trustees.

(3) Where a high school district is composed of one municipality the municipal council thereof shall appoint three additional trustees; where a high school district is composed of two municipalities, each municipality shall appoint two additional trustees; and where a district is composed of more than two municipalities, each municipality shall appoint one additional trustee. Any portion of a municipality assessed for \$50,000, included in a high school district, shall be considered a municipality for the purposes of this section. In every case one of the trustees appointed by the county council and one trustee in each municipality composing the high school district shall retire each year.

(4) Where a high school district is composed of a county, the county council shall appoint six trustees for such district, two of whom shall retire every year.

(5) In cities and in towns separated from the county, the municipal council thereof shall appoint six trustees for each of the high schools of such city or town; where the high schools in a city do not exceed three in number the municipal council

shall

shall appoint six trustees for each high school, and the trustees so appointed shall, with such additional trustees as are authorized by this Act, form one corporation. The municipal council of every city and town shall, by by-law, provide for the annual retirement of so many of the trustees appointed by the council as shall secure a complete rotation every three years.

(6) Where the trustees of any high school situated in a city or in a town separated from the county, notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council may, from time to time, appoint three additional trustees of and for such high school so long as the school is open to county pupils on the terms aforesaid; and such school shall for all the purposes of this Act be considered a county high school.

(7) The separate school board of the city, town, or incorporated village in which a high school is situated, may appoint one trustee of and for the high school board or board of education, who shall not be a member of the separate school board and who shall hold office for one year, provided always, in the case of a board of education, that such trustee shall not take part in any of the proceedings affecting the public school.

(8) Except in the case of a board of education, the public school trustees of every city, town, or incorporated village in which a high school is situated, may appoint annually one trustee of and for the high school board, who shall not be a member of the public school board, and who shall hold office for one year. 54 V. c. 57, s. 11 (1-6).

#### *Vacancies on Board.*

**Vacancies,  
how filled.**

**12.—**(1) Vacancies arising from the annual retirement of trustees shall be filled at the first meeting thereof after being duly organized in each year by the municipal councils or by the boards of trustees empowered under this Act to make the appointments; and vacancies arising from death, resignation, or removal from the high school district or county, or otherwise, shall be filled forthwith by the municipal council or board of trustees having the right of appointment, and the person appointed to fill such vacancy shall hold office only for the unexpired term of the person whose place has become vacant.

(2) Where any town that has been separated from the county for municipal purposes is re-united to the county, the high school trustees appointed by the town council and in office at the time of such union shall continue in office till the expiration of the term for which they were appointed. Vacancies arising from any cause in the representation of the town shall not be filled till the number of trustees has been reduced below the number required by this Act.

*First Meeting.*

**13.**—(1) The first annual meeting of every board of trustees or board of education shall be held at the hour of seven o'clock in the afternoon of the first Wednesday of February or at such hour of the same day as may have been determined by resolution of the former board, and shall be organized by the election of a chairman, who shall be a member of the board, and a secretary and treasurer or secretary-treasurer. A majority of the board shall form a quorum; First meeting of board.

(2) The secretary or secretary-treasurer for the previous year shall preside at the first meeting of the board until the chairman is elected, or if there be no secretary or secretary-treasurer then such member of the board shall preside as may be appointed for that purpose; Secretary to preside at first meeting until chairman elected.

(3) In case of an equality of votes at the election of chairman, the trustee who is assessed for the largest sum on the last revised assessment roll shall have a second or casting vote, in addition to his vote as a member of the board. Equality of votes on the election of chairman.

(4) The chairman or presiding officer of the board may vote with the other members of the board on all questions, and any question on which there is an equality of votes shall be deemed to be negated; 54 V. c. 57, s. 13 (1-4). Chairman to vote.

*Duties of Trustees.*

**14.** It shall be the duty of every board of trustees and they shall have power:— Duties of trustees.

1. To fix the times and places of the board meetings, the mode of calling and conducting them, and of keeping a full and correct account of the proceedings of such meetings; Fix meetings of board.

2. To take charge of the high school for which they have been appointed trustees, to keep the school buildings in proper repair, to provide from time to time suitable furniture and equipment and to see that the grounds and all the property of the corporation are duly protected; Charge of high school.

3. To settle the amount to be paid by parents and guardians for each pupil attending the high school, subject to this Act, to fix the times of payment, and, when necessary, to sue and recover such amounts; Collection of fees for tuition.

4. To give the necessary orders upon the treasurer of the board for the payment of the salaries of the teachers and other officers and servants of the high school, and for such other expenses for promoting the interests of the high school as may be authorized by the board; and to take such security from the treasurer of the board as they may deem expedient; Orders for salaries and expenses.



Application to  
councils, how  
made.

5. To apply to the municipal council or councils liable under this Act on or before the 1st day of August, or at such other time as may be required by the municipal council for such sums of money as the board may require for the maintenance of the high school for the twelve months next following the date of such application, exclusive of all fees from pupils and other sources, and of appropriations from the Legislature and municipal council of the county; and for such additional sum as they may deem expedient for permanent improvements for the same period of time not exceeding five hundred dollars;

Expulsion of  
pupils.

6. To expel, on the report of the principal, any pupil whose conduct may be deemed injurious to the welfare of the school; and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice;

Appointment  
and removal  
of teachers.

7. To appoint and remove such teachers, officers and servants as they may deem expedient, and to fix their salaries and prescribe their duties; and to see that the high school is conducted according to this Act, and the regulations of the Education Department;

Accommoda-  
tion for pupils.

8. To provide adequate accommodation according to the regulations of the Education Department for all resident pupils, and in the case of high schools receiving aid from the county for county pupils also, subject to section 33 of this Act;

Certify fees  
received.

9. To certify to the treasurer of the county on or before the first of August in each year, the amount of fees collected from county pupils for the calendar year next preceding;

Annual report  
to minister.

10. To prepare and transmit to the Minister of Education the annual report before the 15th of January, in accordance with forms provided by the Education Department. 54 V. c. 57, s. 14 (1-12); 58 V. c. 57, s. 1.

#### SITES FOR HIGH SCHOOLS.

Selection of  
site restricted.

15. A high school site shall not be selected in a township within a hundred yards of the garden, orchard, pleasure ground, or dwelling house of the owner without his consent. 54 V. c. 57, s. 15.

Enlargement  
of school site.

16. It shall be competent for the trustees to enlarge any existing high school site, as required by the regulations of the Education Department, provided no such enlargement shall be made in the direction of, or including an orchard, garden pleasure ground or dwelling house, without the consent of the owner of the land required, unless the school site cannot be otherwise enlarged. 54 V. c. 57, s. 16.



17. If the owner of any land selected by the board of trustees of any high school for a site, or for high school purposes or for the enlargement of the high school premises, refuses to sell the same, or demands therefor a price deemed unreasonable by the trustees of such high school, then such owner and trustees shall each forthwith appoint an arbitrator, and the arbitrators thus appointed, together with the senior county judge of the county in which the site in dispute is situated, or in the case of his inability to attend, any person appointed by him on his behalf as third arbitrator, or any two of them, shall appraise the damages for such land. 54 V. c. 57, s. 17.

Arbitration in case of disagreement.

18. If the owner of land selected for a school site, as provided by the preceding section neglects or refuses to appoint an arbitrator, it shall be competent for the county judge, with the arbitrator appointed by the trustees, to meet and determine the matter; and in such cases the county judge shall have a second or casting vote, if he and such arbitrator do not agree. 54 V. c. 57, s. 18.

Proceedings when owner refuses to appoint an arbitrator.

19. The arbitrators aforesaid, or any two of them, shall have the power to settle all claims or rights of incumbancers, lessees, tenants, or other persons, as well as those of the owner, in respect of the land required for the purpose of the high school site, upon notice in writing to every such claimant, and after hearing and determining his claims or rights, and upon tender of the amount of such damage to the owner or other person entitled thereto, or to any part of such amount, by the trustees, the land shall be taken and used for the purpose aforesaid. 54 V. c. 57, s. 19.

Powers of arbitrators.

20. If only a majority of the arbitrators appointed to decide any case arising under the authority of this Act are present at any lawful meeting, in consequence of the neglect or the refusal of the other arbitrators to meet them, it shall be competent for those present to make and publish an award upon the matter or matters submitted to them, or to adjourn the meeting for any period not exceeding ten days, giving the absent arbitrator notice of the adjournment. 54 V. c. 57, s. 20.

Proceedings when one arbitrator is absent.

21. Any award for a high school site made and published under this Act, if there be no conveyance, shall thereafter be deemed to be the title of the trustees to the land mentioned therein, and shall be a good title thereto against all persons interested in the property in any manner whatsoever, and shall be registered in the proper registry office on the affidavit of the secretary of the board of trustees verifying the same. 54 V. c. 57, s. 21.

Award to constitute title.

Costs.

**22.** The costs of arbitration shall be paid by the parties concerned in such proportion as may be determined by the arbitrators. 54 V. c. 57, s. 22.

Who may convey.

**23.** All corporations and persons whatever, tenants in tail or for life, guardians, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes-coverts, or other persons, seized, possessed of or interested in any land, may contract for, sell or convey all or part thereof to high school trustees for a school site or an addition to the school site, or for a teacher's residence; and any contract, agreement, sale, conveyance and assurance so made shall be valid and effectual to all intents and purposes whatsoever; and the corporations or persons so conveying are hereby indemnified for what they respectively do by virtue of or in pursuance of this Act. 54 V. c. 57, s. 23.

Notice in case owner is absent or unknown.

**24.** If the owner of land duly selected for the said purpose is absent from the county in which the land lies, or is unknown, the trustees may procure from a sworn surveyor a certificate that he is not interested in the matter; that he knows the land and that some certain sum therein named is, in his opinion, a fair compensation for the same; and on filing the said certificate with the judge of the county court of the county in which the land lies, accompanied by an affidavit or affidavits which satisfy the judge that the owner is absent from the county and that, after diligent inquiry, he cannot be found, the Judge may order a notice to be inserted for such a time as he sees fit in some newspaper published in the county; and he may, in addition thereto, order a notice to be sent to any person by mail, or may direct service of the same to be effected in such other way as he sees fit. 54 V. c. 57, s. 24.

Particulars of notice.

**25.** The notice shall contain a short description of the land and a declaration of the readiness of the trustees to pay the sum certified as aforesaid; shall give the name of a person to be appointed as the arbitrator of the trustees if their offer of that sum is not accepted; shall name the time within which the offer is to be accepted, or an arbitrator named by the owner; and shall contain any other particulars which the county judge may direct. 54 V. c. 57, s. 25.

Appointment of arbitrator by Judge.

**26.** If within such time as the judge directs, the owner does not notify the trustees of the acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, the judge shall, on the application of the trustees, appoint a sworn surveyor to be sole arbitrator for determining the compensation to be paid for the property. 54 V. c. 57, s. 26.

**27.** Where land is taken by the trustees without the consent of the owner, the compensation to be paid therefor shall stand in the stead of the land; and after the trustees have taken possession of land, any claim to, or incumbrance upon the same, or any portion thereof, shall, as against the trustees, be converted into a claim to the compensation or to a proportion thereof, and the trustees shall be responsible accordingly whenever they have paid such compensation or any part thereof to a party not entitled to receive the same, saving always their recourse against such party. 54 V. c. 57, s. 27.

Responsibility of trustees as to compensation.

**28.** If the trustees have reason to fear any claims or incumbrance, or if any party to whom the compensation or any part thereof is payable refuses to execute the proper conveyance, or if the party entitled to claim the same cannot be found or is unknown to the trustees, or if for any other reason the trustees deem it advisable, they may pay the arbitration and other expenses, and deposit the amount of the compensation with the High Court, or in such other manner as the county judge may direct, with interest thereon for six months, and may deliver therewith an authentic copy of the conveyance, or of the agreement or award if there be no conveyance; and such agreement or award shall thereafter be deemed to be the title of the trustees to the land therein mentioned, and shall be a good title thereto against all persons interested in the property in any manner whatever, and shall be registered in the proper registry office on an affidavit of the secretary of the board of trustees verifying the same. 54 V. c. 57, s. 28.

Deposit of compensation money by trustees.

#### PROPERTY VESTED IN TRUSTEES.

**29.—(1)** All property heretofore granted, devised or acquired in any municipality, and vested in any person or persons, or corporation, for high school purposes, or which may hereafter be so granted, devised or acquired, shall be deemed and be taken as having vested absolutely in the board of high school trustees, and the board shall have full power to convey, sell, transfer, or lease such property, upon the adoption of a resolution by the board that such property is no longer required for high school purposes, and the proceeds of such sale, transfer or lease shall be applied for the use of such high school. 54 V. c. 57, s. 29 (1); 58 V. c. 57, s. 2.

High school property vested in trustees.

**(2)** The trustees of any high school district or any board of education may, with the approval of a majority of the municipal council or councils composing the district, and of the Lieutenant-Governor in Council, sell, transfer or lease any site, territory or other property vested in them as a corporation, and after making provision for all debts and liabilities of the corporation, apply the residue of the proceeds of such sale, transfer or lease to any purpose that may be approved by the Lieutenant-Governor in Council, and on such sale, transfer or lease and disposition.

High school trustees may sell site.



position of assets as aforesaid, the Lieutenant-Governor in Council may, by proclamation in the *Ontario Gazette*, declare such corporation dissolved and determined.

#### MUNICIPAL GRANTS FOR MAINTENANCE.

Aid to high schools from counties.

**30.** The municipal council of every county shall on or before the 15th day of December in each year pay for the maintenance of every high school in any town not separated from the county, or in any incorporated village or township within the county, without any abatement because of fees paid by county pupils, an amount equal to the legislative grant apportioned by the Minister of Education for each of such high schools. 54 V. c. 57, s. 30, 57 V. c. 58, s. 2.

When further grant from county to be made.

**31—(1)** Where the cost of the maintenance of county pupils at any high school exceeds the legislative grant apportioned by the Minister of Education as aforesaid, and of the fees received from county pupils, the county shall, in lieu of the equivalent of the legislative grant, be liable for the maintenance of county pupils in the proportion which the average attendance of county pupils enrolled at such high school during the preceding three years bears to the average attendance of all the pupils enrolled at the same school for the same period of three years. In the case of new high schools the period herein mentioned for which the average attendance is to be reckoned, shall be the number of years for which such school was open, not exceeding three years.

Detailed statements required.

**(2)** In order to ascertain the liability of the county in all such cases the trustees shall submit to the county judge as referee a detailed statement of the receipts and expenditure of the high school for maintenance for each of the preceding years under consideration, such statement to be certified by the auditors authorized under this Act to audit high school accounts; and also a statement of the names, residence and attendance of resident, non-resident and county pupils for each year of a like period, such last mentioned statement to be certified by the chairman of the board. The chairman shall also certify as to the amount of the legislative grant and the fees from county pupils received for the time under consideration and the referee shall deduct the amount of such grant from the whole cost of maintenance of each high school, in determining the liability of the county for the maintenance of county pupils as required by the preceding sub-section, and shall give the county credit for the amount received as fees from county pupils as a payment on account of such maintenance.

Disputes as to grants to be referred to county Judge.

**(3)** The trustees and the county council may by mutual agreement settle annually the amount to be paid by the county for the maintenance of county pupils, but in the event of their inability to agree with respect to such amount.



amount either party may refer the matter in dispute to the county judge, who shall have power to settle the same. Providing that settlement so made shall contravene the apportionment of county aid as authorized by section 35 of this Act or any award made by the referee shall be binding on the parties thereto for a period of three years.

(4) The costs of reference to the county judge shall be paid by the municipal council of the county and the trustees of the high school concerned, in the proportion which the county pupils bear to all the pupils enrolled in such high school. Costs of deference.

(5) Any municipality not included in a high school district of the county may provide for the payment of its share of the maintenance of county pupils by assessment upon the ratepayers of the municipality. The amount payable in such case shall be in the proportion which the equalized assessment of the municipality bears to the equalized assessment of all the municipalities of the county not included in any high school district. When any rate is levied as aforesaid then such municipality shall not be liable except as provided in section 35 for any other rates for high school purposes, and all money so collected shall be paid to the county treasurer on or before the 15th of December in each year. Provision for maintenance of county pupils by municipality outside of the high school district. No other rates to be levied except for Government grant. 54 V. c. 57, s. 31 (1-6); 56 V. c. 52, s. 2 (7-8).

(6) Where the trustees of any high school situated in a city or in a town separated from the county notify the county clerk that such high school is open to county pupils on the same terms as high schools in the municipalities not separated from the county, the county council shall in all such cases pay the cost of the maintenance of county pupils at such high schools and such sum may be settled by mutual agreement, but in case of any dispute the amount shall be settled as hereinbefore provided. Maintenance of county pupils in city or town high school. 54 V. c. 57, s. 11 (4).

(7) Where any municipality is not under the jurisdiction of the same county council as the high school district to which it is contiguous, the county council having jurisdiction over such municipality may pay to the trustees of the high school attended by the pupils from such municipality for the maintenance of the pupils of such municipality at the same rate as for county pupils. Contiguous municipality in another county

**32.** The municipal council or councils of every high school district shall levy and collect each year from their respective municipalities such sum or sums as the trustees of the high school may deem necessary for the maintenance of the high school in addition to that received from the county council and other sources under this Act, and a further sum, not exceeding five hundred dollars, in any one year, if required by the trustees for permanent improvements, and said sum shall be levied by one uniform rate over the whole district. Councils in high school districts to levy rates. 54 V. c. 57, s. 32.

## GRANTS FOR PERMANENT IMPROVEMENTS.

Grants  
for improv-  
ments exceed-  
ing \$500.

**33.** All sums of money required by the trustees of any high school for permanent improvements exceeding five hundred dollars shall be raised by assessment on the ratepayers of the municipality or municipalities composing the high school district, on the application of the board of trustees to the municipal council or councils of the district, made on or before the first of August in each year, and in the event of the municipal council, where the high school district is composed of one municipality, or in the event of a majority of the municipalities composing the high school district approving of such application, the municipality within which the high school is situated shall issue debentures therefor in the manner provided for the issue of municipal debentures under *The Consolidated Municipal Act, 1892*. 54 V. c. 57, s. 33.

55 V. c. 42.

Refusal of  
municipal  
council to  
provide funds.

**34—(1)** In the case of a high school district composed of one municipality, when the council thereof refuses, or when the high school district is composed of two municipalities, when the council of one municipality refuses, or when a majority of the municipalities composing the high school district refuse to raise or borrow such sum of money aforesaid by debentures, the said council or councils shall, on the request of the trustees, submit such application to the vote of the municipality or municipalities concerned, in the manner provided by *The Consolidated Municipal Act, 1892*, for the creating of debts, and in the event of the assent of a majority of the electors in the high school district qualified to vote upon a by-law for creating debts being thereby obtained, it shall be the duty of the council of the municipality in which the high school is situated to raise or borrow such sum. 54 V. c. 57, s. 34.

55 V. c. 42.

Equalization  
of rates.

**(2)** When the high school district is composed of more municipalities than one, the municipal council of each municipality composing the district shall pay to the council of the municipality in which the high school is situated such proportion of the loan raised for high school purposes as the equalized assessment of each municipality or part thereof belonging to the high school district, bears to the equalized assessment of the whole district. Provided always that nothing herein contained shall prevent the municipality within which the high school is situated from assuming the full cost of permanent improvements, or from undertaking to pay any debentures that may be issued for such purpose notwithstanding that such municipality forms only a part of the high school district.

Submission to  
ratepayers.

**(3)** The municipal council or councils of any high school district, or a majority of them, may, if deemed expedient, without submitting the same to a vote of the ratepayers of the municipality or municipalities comprising the district, as required by *The Consolidated Municipal Act, 1892*, for the creating of debts,

pass

pass a by-law or by-laws for the purpose of raising or borrowing money, on the application of the high school board for permanent improvements.

(4) Any debenture for any loan of money for school purposes may be for such term of years, not exceeding thirty, as the municipal council may think fit, or the municipal council may in its discretion make the principal of such debt repayable by annual or other instalments, in the manner provided by *The Consolidated Municipal Act, 1892*. 54 V. c. 57, s. 34. Term of debentures.

(5) No municipal by-law hereafter passed for exempting any portion of the ratable property of a municipality from taxation in whole or in part shall be held or construed to exempt such property from school rates of any kind whatsoever. 55 V. c. 60. s. 4. Exemption by by-law not to affect liability for school rates.

**35.**—(1) The council of any municipality or county may raise by assessment in addition to the sum required to be raised by this Act, such further sums of money as may be deemed expedient by the council for the maintenance or permanent improvement of any high school, provided in the case of counties that the additional sum so raised for high school purposes shall be apportioned among all the high schools of the county in proportion to the liability of the county to each high school, but nothing herein contained shall prevent any county council from granting such aid as it may deem expedient to county high schools during the year 1896. 54 V. c. 57, s. 35. Assessments for maintenance or permanent improvements.

(2) The county council of two or more counties united for municipal purposes may apportion the amount to be levied for high schools so that each county forming such union shall be liable only for the maintenance of the high schools within such county. 55 V. c. 43, s. 38. Rates in united counties may be apportioned.

**36.**—(1) All moneys which the municipal council or councils of the high school district is authorized to collect under this Act for permanent improvements shall be paid to the treasurer of the high school board on or before the 25th day of December of the year in which application was made by the high school trustees for such moneys; all moneys which the municipal council is authorized to collect by assessment, or to raise by way of loan, or otherwise, for the maintenance of a high school shall be paid from time to time to the high school treasurer as the board may, by requisition, require. Permanent improvements. For maintenance.

(2) The treasurer of every high school board shall give security to the board appointing him for the due and faithful performance of his duties, and shall submit his accounts to the auditors of the municipality in which the high school is situated, whose duty it shall be to audit such accounts in the same way as the municipal treasurer's accounts are audited. 54 V. c. 57, s. 36 (1) (2); 58 V. c. 57, s. 3 (1.) Security to be given by treasurer.



## HIGH SCHOOL FEES.

County  
pupils.

**37.**—(1) County pupils shall pay to the treasurer of the high school board such fees as the municipal council of the county may deem expedient, provided always such fees shall be uniform and shall not exceed one dollar per month. The scale of fees so fixed shall take effect from the beginning of the high school term next ensuing after adoption thereof by the county council, and shall continue in force for three years or for such term as may be agreed upon between the trustees and county council.

Non-resident  
pupils.

(2) Non-resident pupils shall pay to the treasurer of the high school board such fees as the board of trustees may deem expedient, provided always such fee shall not be greater than the cost of maintenance at such high school, nor less than the fees imposed by the council on county pupils.

Resident  
pupils.

(3) Resident pupils shall pay to the treasurer of the high school board such fees as the trustees of the high school may deem expedient.

Council may  
pay fees.

(4) The council of any municipality not included in a high school district may provide by assessment for the payment of any fees imposed by the county council on county pupils or by the board of trustees on non-resident pupils who reside in such municipality. 54 V. c. 57, s. 37 (1-3); 56 V. c. 52, s. 4.

## ENTRANCE EXAMINATION.

Entrance  
examination.

**38.**—(1) A uniform entrance examination for the admission of pupils to high schools shall be held annually in every high school district according to such regulations as may be prescribed by the Education Department. Examinations may be held at such other places in every county as shall be recommended by the county council of which notice shall be given to the inspector by the county clerk.

Board of  
examiners.

(2) Every high school district shall be under one board of examiners. The trustees of the public and separate schools of the city, town or incorporated village in which a high school is situated shall on or before the 1st day of June each appoint an examiner, for the purpose of such examination. The inspector or inspectors of public schools of the inspectoral district within which the high school is situated and the principal of the high school shall be *ex officio* members of such board.

Qualifications  
of examiners.

(3) Any person actually engaged in teaching, who is the holder of a first-class certificate, or any person actually engaged in teaching who is the holder of a second-class provincial certificate and who has had five years' experience as a teacher may be appointed examiner.



(4) The board of trustees and the board of examiners may agree upon the sum to be paid annually for the entrance examination of pupils, but in the absence of any agreement, examiners shall be allowed the sum of one dollar per pupil for conducting such examination and this allowance shall include the traveling expenses of the examiners, presiding at the examination, reading and valuing the papers of candidates and reporting the results to the Education Department. Examiners' fees.

(5) The board of education or the trustees of the high school district within which the examination is held shall on the requisition of the chairman of the board of examiners pay all the expenses of the examination at such high school, and such expenses shall be deemed to be part of the cost of maintenance of such high school. The traveling and other expenses of the presiding examiners in respect of examinations held at other places shall be paid by the county council. Entrance examination.

(6) County pupils shall have the right to attend any high school aided by the council of the county in which their parents or guardians reside. Resident pupils shall have the right to attend the high school of the district in which their parents or guardians reside. Non-resident pupils may attend any high school at the discretion of the trustees of such school. Rights of pupils.  
54 V. c. 57, s. 38 (1-7).

#### HIGH SCHOOL TEACHERS.

**39.**—(1) No person shall be appointed principal of a high school unless he is a graduate in Arts of some University within the British Dominions, and furnishes satisfactory evidence to the Minister of Education of his knowledge of the science and art of teaching, and of the management and discipline of schools; but any person legally qualified and employed as principal in any high school before the twenty-fourth day of March, 1874, shall be deemed qualified notwithstanding this section. Principals of high schools.

(2) No person shall be appointed assistant teacher in any high school who does not possess the qualifications required by the Education Department. Assistant teachers.

(3) Every teacher of a high school shall, in the organization, discipline, management and classification of the pupils be subject to the regulations of the Education Department. Teachers.

(4) The provisions of *The Public Schools Act* respecting superannuation shall apply to teachers of high schools. Superannuation.  
54 V. c. 57, s. 39 (1-4).

## AGREEMENTS.

Salary for teaching during part of the year.      **40.**—(1) Any teacher of a high school who enters into an agreement with a board of trustees for one year and who serves under such agreement for three months or over, shall be entitled to be paid his salary in the proportion which the number of days during which he has taught bears to the whole number of teaching days in the year.

Sickness.      (2) Every teacher shall be entitled to his salary during sickness, certified by a physician, for a period not exceeding four weeks for the entire year; this period may be increased at the pleasure of the trustees.

Neglect of duty.      (3) Any teacher who enters into an agreement with a board of trustees as teacher, and who wilfully neglects or refuses to carry out such agreement shall, on the complaint of any board of trustees, be liable to the suspension of his certificate by the Education Department.

Disputes between teachers and trustees.      (4) All matters of difference between trustees and teachers of high schools in regard to salary or other remuneration, whatever may be the amount in dispute, shall be decided in the division court of the division in which the cause of action arose; provided always that the decision of the court in such cases may be appealed from, as under *The Public Schools Act*. 54 V. c. 57, s. 40, 41 (1), (1-3).

54 V. c. 55.

## TERMS.

Duration of academic year.      **41.** The academic year of every high school shall consist of three terms; the first shall begin on the first day of September and end on the twenty-second day of December; the second term shall begin on the third day of January and end on the Thursday before Easter Sunday; the third term shall begin on the second Monday after Easter Sunday, and end on the thirtieth day of June. Every Saturday, every public holiday and every day proclaimed a holiday by the council of the municipality in which the high school is situated shall be a holiday in such high school. 54 V. c. 57, s. 42.

## PENALTIES AND PROHIBITIONS.

Trustees contracting with board.      **42.** No high school trustee shall enter into any contract agreement, engagement or promise of any kind, either in his own name, or in the name of another, and either alone or jointly with another, in which he has any pecuniary interest, profit, or promised or expected benefit, with the corporation of which he is a member, or have any pecuniary claim upon or receive compensation from such corporation for any

work, engagement, employment, or duty on behalf of such corporation, and every such contract, agreement, engagement or promise shall be null and void, and such trustee shall also *ipso facto* vacate his seat, and a majority of the other trustees shall declare the same vacant forthwith, and notify the clerk of the municipality, or board of trustees having authority to appoint such trustee accordingly. 54 V. c. 57, s. 46.

43. If a trustee of any high school is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the county or municipality for which he is a trustee, such trustee shall *ipso facto* vacate his seat, and the remaining trustees shall direct the secretary of the board to notify the clerk of the county or municipality or board of trustees having authority to appoint such trustee accordingly. 54 V. c. 57, s. 47.

When seat on board may be declared vacant.

44. Any person who wilfully interrupts or disquiets any high school established and conducted under the authority of this Act, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the high school shall, for each offence, on conviction thereof before a Police Magistrate or Justice of the Peace, on the affidavit of one credible witness, forfeit and pay for high school purposes to the trustees of the high school district within which the offence was committed, such sum not exceeding \$20 together with the costs of conviction, as the said Police Magistrate or Justice may think fit. 54 V. c. 57, s. 48.

Disturbing schools.

#### AUTHORIZED BOOKS.

45.—(1) No teacher shall use or permit to be used as text-books in a high school any books except such books as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid to any high school in which unauthorized books are used.

Text-books.

(2) Any authorized text-book in actual use in any high school may be changed by the teacher of such school for any other authorized text-book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given.

Change of text-books.

(3) In case any teacher or other person shall negligently or wilfully substitute any unauthorized text-book in place of any authorized text-book in actual use upon the same subject in

Teachers substituting unauthorized text-books.

his school, he shall for each such offence, be liable on conviction before a Police Magistrate or Justice of the Peace, to a penalty not exceeding \$10, payable to the municipality for high school purposes, together with costs, as the Police Magistrate or Justice may think fit. 54 V. c. 57, ss. 49, 50, 51.

46. The following Acts are hereby repealed, viz.: 54 Victoria, chapter 57; section 6 of 55 Victoria, chapter 60; 56 Victoria, chapter 52; 57 Victoria, chapter 58; sections 1, 2, 3 and 11 of 58 Victoria, chapter 57.



## CHAPTER 72.

## An Act revising Certain Matters in The Separate Schools Act.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 5 of section 58 of *The Separate Schools Act* is amended by substituting the word “thirty” for the word “twenty” in the fourth line thereof. Rev. Stat. c. 227, s. 58, sub.-s. 5 amended.

2. Section 79 of the said Act is repealed and the following substituted:— Rev. Stat. c. 227, s. 79 repealed.

79.—(1) The teaching year shall consist of two terms: in townships the first term shall begin on the third Monday of August, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June. Terms.

(2) In cities, towns and incorporated villages the first term shall begin on the first day of September, and end on the 22nd day of December; the second term shall begin on the 3rd day of January, and end on the 30th day of June.

(3) Every Saturday, every public holiday, the week following Easter Sunday, and every day proclaimed a holiday by the authorities of the municipality in which the teacher is engaged shall be a holiday in separate schools.

(4) In the territorial districts the trustees of any rural school may allot the time herein allowed for holidays at Easter and midsummer to suit the convenience of pupils and teachers, provided always that the same number of holidays be allowed and in periods of the same duration as herein set forth.

Where separate school supporter resides within three miles of two or more schools.

3] Any supporter of a separate school whose residence is within three miles of two or more separate schools, shall, after the first day of January, 1897, be *ipso facto* a supporter of the separate school nearest to his place of residence, provided that nothing herein contained shall affect the liabilities or obligations of any separate school supporter for debts incurred by the school section of which he was a supporter before the passing of this Act.

---

## CHAPTER 73.

## An Act to make further Provision respecting Industrial Schools.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 17 of the *Act respecting Industrial Schools* is hereby repealed, and the following substituted therefor :—

Rev. Stat. c. 234 s., 17, repealed.

17.—(1) The Provincial Secretary or other Minister, to whose department the superintendent of neglected children is attached, may at any time order any child to be transferred from one certified industrial school to another, or may order a child to be discharged from any such certified industrial school either absolutely or on such conditions as he may think fit, and the child shall be transferred or discharged accordingly.

Transfer of child from one school to another.

(2) This section shall be deemed to have been in force from and after the 2nd day of March, 1896.

2. Wherever in the said Act any authority is conferred or duty imposed upon the Minister of Education or upon the Education Department with respect to any matter or thing in the said Act mentioned, such authority shall be exercised and such duties shall be discharged by the Provincial Secretary or other Minister in charge of the said schools. All reports required to be made to or by the Minister of Education under the said Act shall be made to or by the Provincial Secretary or the Minister in charge of industrial schools.

Provincial Secretary or Minister in charge substituted for Minister of Education.

## CHAPTER 74.

## An Act respecting the Industrial Refuge for Girls.

*Assented to 7th April, 1896.*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Lieutenant-Governor may transfer girls from the Refuge to an industrial school.

Rev. Stat. c. 234.

1. The Lieutenant-Governor, in his discretion, may at any time, and from time to time, order any girl confined in the Industrial Refuge for girls, and committed thereto under any Act of the Legislature of this Province, to be transferred to any industrial school duly certified under the provisions of *The Industrial Schools Act*, to be maintained and cared for under the provisions of the said Act; and such transfer shall be on such terms as to payment for maintenance as may be agreed upon; and the Lieutenant-Governor may also order such girl to be re-committed to the said Refuge, and thereupon she shall be detained therein under her original sentence, as if such transfer to an Industrial School had not taken place.

---



## CHAPTER 75.

## An Act respecting Houses of Refuge.

*Assented to 7th April, 1896.*

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 5 of the Act passed in the 53rd year of Her Majesty's reign, chaptered 78, being *An Act respecting the Establishment of Houses of Refuge*, is amended by adding thereto the following: "Provided that in the event of such sum being less than \$4,000 on any further acquisition of land or the erection of further buildings by such municipality or union of municipalities in extending or improving such house of refuge, such further sum (within the restrictions aforesaid) as the Lieutenant-Governor in Council may by order in council direct, not exceeding when added to the amount already paid, the aggregate sum of \$4,000, may be paid to such municipality or union of municipalities."

53 V., c. 78,  
s. 5, amended.

Proviso.

When grant  
of less than  
\$4,000 may be  
supplemented.

## CHAPTER 76.

## An Act to consolidate the Floating Debt of the Town of Alliston.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS the corporation of the town of Alliston have expended the sum of five thousand dollars in the construction of a system of waterworks and the procuring of necessary fire appliances, in excess of the amount realized through sale of debentures, two thousand dollars on a market hall, opera house and fire hall beyond the sum realized from the sale of debentures issued therefor, and fifteen hundred dollars in making a permanent roadway on Main street, and have also expended large sums of money for unforeseen expenses which have from time to time arisen, for which no provision has been made by the levy of additional taxes; and whereas it has been made to appear that the said expenditures were largely forced on the said town by reason of an extensive and disastrous fire which took place in the said town in the month of May, 1891, and in consequence thereof the position of the said town, with reference to the said floating indebtedness, is quite exceptional; and whereas the said corporation have by their petition prayed that these expenditures now represented by a floating debt, may be consolidated and that authority may be given the said corporation to issue debentures therefor for an amount not exceeding thirteen thousand dollars; and whereas the aforesaid petition is unopposed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
debentures for  
\$13,000.

1. The said corporation may issue debentures under its seal, and signed by the treasurer and countersigned by the mayor for the time being, for such sums (not less than one hundred dollars each and not exceeding in the aggregate the sum of

thirteen

thirteen thousand dollars) as the council of the said corporation may direct ; and the principal sum of the said debentures and the interest thereon shall become due and be payable at the Bank of Hamilton, Alliston, in lawful money of Canada.

2. A portion of the said debentures to be issued under authority thereof shall be made payable in each year after the by-law or by-laws that may be issued hereunder take effect, for a period not exceeding twenty-five years from the date of the passing of the said by-law or by-laws respectively, and so that the amount payable for principal and interest in any one year under any by-law shall be equal as nearly as possible to what is payable for principal and interest during each of the remaining years of the period within which the said debenture debt is to be discharged; and all debentures issued under the authority of any by-law passed according to the terms hereof, shall bear interest at a rate not exceeding four per cent. per annum, payable half-yearly, and the times for payment of the said interest and re-payment of principal shall be such times as are established by the by-law providing for the issue of debentures for the said principal sum.

Debt to be reduced annually.

3. It shall not be necessary to obtain the assent of the electors of the said town to the issue of the said debentures, or any of them, or to the passing of any by-law directing the issue of the same, or to observe the requirements which *The Consolidated Municipal Act, 1892*, prescribes in relation thereto.

Assent of electors to by-laws not required.

4. No irregularity in the form of the said debentures or of any by-law authorizing the issue of the said debentures shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures with interest, or any or either of them or any part thereof.

Irregularities in form not to invalidate debentures.

5. For re-payment of the principal money of the said debentures and the interest thereon, the council of the said corporation shall impose a special rate per annum over and above and in addition to all other rates, to be levied in each year during the currency of the said debentures on the assessed property of the said municipality which shall be sufficient to produce such a sum as will retire the debentures as hereinbefore provided and provide for the said interest as the same shall become due and payable.

Special rate.

6. Coupons shall be attached to the said debentures for the payment of the interest thereon, and shall be signed and countersigned in the manner herein directed for the completion of the said debentures, and the said coupons shall be made due and payable so as to conform to the payments of interest as hereinbefore prescribed.

Payment of interest.

Raising  
money on  
debentures.

7. The said council may for the purpose aforesaid sell or hypothecate the said debentures from time to time as they may deem expedient ; and all moneys received through such hypothecation or sale shall be applied towards the payment of the said floating debt and for and to no other purpose whatsoever.

Misapplica-  
tion of funds  
raised.

8. No by-law or resolution of the council of the said corporation shall protect the treasurer of Alliston aforesaid in applying the said moneys in any other manner than as hereinbefore prescribed.



## CHAPTER 77.

## An Act respecting certain School Moneys of the City of Chatham.

*Assented to 7th April, 1896.*

**W**HEREAS the Board of Public School Trustees for the Preamble.  
city of Chatham now hold under investment or in cash  
\$39,741.60 principal moneys arising from the sale of the block  
of land vested in them under and by virtue of an Act of the  
Legislature of the late Province of Canada passed in the 18th  
year of Her Majesty's reign, chaptered 27, intituled, "An Act to  
enable the Board of School Trustees of the Town of Chatham to  
dispose advantageously of a lot of land appropriated for School  
purposes in that Town;" and whereas by section 20 of an Act of  
the late Province of Canada passed in the 26th year of Her Maj-  
esty's reign, chaptered 5, it was enacted that every separate school  
(Roman Catholic) should be entitled to a share in all public  
grants, investments and allotments for common school purposes  
then made or thereafter to be made by the Province or the  
municipal authorities according to the average number of  
pupils attending such school during the twelve next preceding  
months or during the number of months which may have  
elapsed from the establishment of a new separate school as  
compared with the whole average number of pupils attending  
school in the same city, town, village or township; and whereas,  
after the passing of the said Act, the Roman Catholic sep-  
arate schools of the town (now city) of Chatham have shared  
in the income of the said land and fund arising therefrom by  
virtue of the said last mentioned Act; and whereas, by reason  
of the last mentioned Act, the said Board of Public School  
Trustees have become unable to appropriate any portion of the  
said fund other than the annual income therefrom for the pur-  
chase of new school sites and the building of new schoolhouses;  
and whereas, it is deemed desirable by the said Board of  
Public School Trustees that the said funds should be parti-  
tioned between the said two Boards and the said Board of  
Public School Trustees be fully empowered to apply the por-  
tion to be allotted to them for the purchase of school sites and  
the building of schoolhouses for use of the public schools of the  
said city freed from any charge thereon for the support of  
Roman Catholic separate schools or any claim thereon hereafter  
by any Roman Catholic separate school board in the said city  
of Chatham;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Public School Fund divided. 1. The said Public School Fund shall be and the same is hereby partitioned and divided between the said two school boards.

Amount appropriated to R. C. Separate Schools. 2. The sum of \$5,540.90 is hereby partitioned and appropriated as the full share to which the Board of Trustees of the Roman Catholic Separate Schools for the city of Chatham and the Roman Catholic separate schools of the said city are now or at any time hereafter may be entitled out of the said fund or out of the said block of land or any part or parts thereof in any way soever.

Balance of school funds vested. 3. The balance of the said school lands and fund are hereby vested in, set apart and appropriated for the absolute and sole use of the Board of Public School Trustees for the city of Chatham freed from any claim that the said Board of Trustees of the Roman Catholic Separate Schools or any separate school now have or hereafter might have or claim to have therein or thereto, or to the increase, interest, rents or profits arising therefrom.

Application of funds by Chatham Public School Board. 4. The portion of the said Public School Fund hereby appropriated and set apart for the sole use of the Board of Public School Trustees of the city of Chatham shall be applied by the said Board of Public School Trustees in the maintenance of the public schools or building and repairing of schoolhouses and other purposes for which school moneys may be lawfully applied by them including the purchase of school sites if required.

Investment of funds not immediately required. 5. The respective School Boards are hereby authorized to invest and keep invested the whole or any portion of the said funds hereby appropriated and set apart to each of them until the same may be required for the maintenance of schools, purchase of school sites or the building of schoolhouses, invested in first mortgage securities on real estate or in city of Chatham debentures.

Realizing upon securities now held. 6. The Board of Public School Trustees for the city of Chatham are hereby authorized to sell, assign, collect, get in and convert into money all securities in which the said fund or any parts thereof are now invested and thereout to pay over to the said Board of Roman Catholic Separate Schools the said sum of \$5,540.90 within one year after the passing of this Act.

## CHAPTER 78.

## An Act respecting the Floating Debt of the Village of East Toronto.

*Assented to 7th April, 1896.*

**W**HEREAS the corporation of the village of East Toronto Preamble.  
have by their petition represented that by reason of an  
insufficient amount of taxes for several years having been  
raised by the said corporation, and by reason of unexpected  
demands on the financial resources of the said corporation, a  
floating liability to the amount of \$10,000 has accumulated,  
exclusive of the existing debenture indebtedness of the said  
village and that it is desirable for the said village to pay the  
said debt by issuing debentures for a sum sufficient to pay  
the same in twenty equal yearly payments, commencing in  
the year 1897, and ending in the year 1916; and whereas it  
is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. It shall be lawful for the said corporation of the village  
of East Toronto to pass a by-law or by-laws providing for the  
issue of debentures under its corporate seal, signed by the  
reeve and countersigned by the treasurer for the time being  
for such sums of not less than \$100 each and not exceeding in  
the whole the sum of \$10,000 as the said council of the said  
corporation may from time to time direct and the principal  
sum secured by the said debentures, and the interest accruing  
thereon, may be made payable either in this Province or in  
Great Britain or elsewhere. Power to issue  
debentures for  
\$10,000.

2. The said debentures shall be made payable at such period  
not exceeding twenty years from the date thereof as the said  
council may direct, and the interest thereon at such rate not  
exceeding five per centum per annum as the said council shall  
direct shall be payable half-yearly, according to the coupons  
to be attached to such debentures. Term of  
debentures :  
interest.

Assent of  
electors not  
required.

3. It shall not be necessary to obtain the assent of the electors of the said village to the issue of the said debentures, or to the passing of any by-law directing the issue of the same or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Informalities  
not to invali-  
date debentures.

4. No irregularity in the form either of the said debentures or of any by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Payment of  
debentures  
and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Raising  
money on  
debentures.

7. The said council may for the purpose aforesaid raise money by the sale or hypothecation of the said debentures from time to time as they may deem expedient, and all moneys to be derived from such sale or hypothecation shall be applied towards the payment of the said floating debt, and for no other purpose whatever; and no by-law or resolution of the said council shall be any protection to the treasurer of the said corporation in applying the said moneys in any other manner.



## CHAPTER 79.

An Act respecting the Railway Debenture Debt of  
the Township of Elma.*Assented to 7th April, 1869.*

**W**HEREAS the municipal corporation of the township of Elma have by their petition represented that in aiding the Stratford and Huron Railway Company they incurred a debt of \$10,000, for which amount debentures of the said corporation were issued under by-law No. 152, passed on the seventeenth day of February, A.D. 1877, and that by way of provision for sinking fund for redeeming the same the sum of \$6,000 only has been raised in addition to the annual interest thereon, none of which is in arrear; and whereas the said debentures will become due and payable on the first day of January, 1897; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have by their petition prayed that they may be authorized to issue debentures for the sum of \$4,000 to meet and pay off the remainder of the said debentures shortly to fall due; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the township of Elma to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100, and not exceeding \$4,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient.

Authority to  
issue debentures for  
\$4,000.

Borrowing  
money on  
debentures.

2. The corporation of the said township may, for the purpose herein mentioned, raise money by way of loan on the said debentures, or sell and dispose of the said debentures from time to time as they may deem expedient.

Payment of  
debentures  
and interest.

3. The said debentures shall be payable in not more than ten years from the issue thereof, as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable half yearly on the first day of the months of July and January in each and every year, at the place mentioned therein, and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding five per centum per annum.

Application of  
proceeds of  
debentures.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the township of Elma, issued in aid of the Stratford and Huron Railway Company, and in no other manner and for no other purpose whatsoever, and the said debentures may be known as The Stratford and Huron Railway Debentures.

Paying off  
outstanding  
debentures.

5. The treasurer of the said township, on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them, herein authorized to be issued, as may be agreed upon between the said council and the holders of the said outstanding debentures.

By-laws not  
to be repealed  
until debts  
paid.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Debentures,  
how payable.

7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding ten years from the first day of January, 1897, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

8. The said corporation shall levy, in addition to all other rates to be levied each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, to be called the Stratford and Huron Railway Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures, or any of them.

9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time, to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts and the said book of account and statement, shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding.

Books of  
account to be  
kept.

10. It shall not be necessary to obtain the assent of the electors of the said township of Elma to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

Assent of  
electors to by-  
laws not  
required.

55 V. c. 42.

11. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act.

Form of  
debentures  
and by-laws.

12. Any provisions of the Acts respecting municipal institutions which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures or as to the application of the proceeds thereof.

Inconsistent  
provisions not  
to apply.

13. This Act may be cited as *The Elma Debenture Act*, Short title.  
1896.

## SCHEDULE A.

*(Section 11.)**Province of Ontario, Township of Elma.*

## STRATFORD AND HURON RAILWAY DEBENTURE.

\$

No.—

Under and by virtue of *The Elma Debenture Act, 1896*, and by virtue of By-law No.            of the corporation of the township of Elma, passed under the provisions contained in the said Act, the corporation of the township of Elma, in the county of Perth, promises to pay to the bearer at            in the city of            the sum of \$            on the            day of            A.D.            and to pay the bearer the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Atwood, in the township of Elma, this  
day of            A.D. 189

Reeve.

Treasurer.

## SCHEDULE B.

*(Section 11.)*

By-law No.            of the township of Elma, to authorize the issue of debentures under the authority of *The Elma Debenture Act, 1896*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as the Stratford and Huron Railway Debentures, not exceeding the sum of \$4,000 in the whole, as the corporation of the township of Elma may in pursuance of and in conformity with the provisions of the said Act direct ;

And whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$            payable on the            day of            with interest thereon at the rate of            per cent. per annum, payable half yearly, according to the coupons to the said debentures attached ;

And whereas the amount of the whole ratable property of the township of Elma, according to the last revised assessment  
roll



roll of the said township, being for the year 189      was \$

Therefore the municipal corporation of the township of Elma.  
hereby enacts as follows:

1. Debentures under the said Act, and for the purposes therein mentioned to be known as the Stratford and Huron Railway Debentures, to the extent of \$      , are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of      per cent. per annum, payable half yearly on the first day of the months of July and January in each year.

3. This by-law shall come into effect forthwith after the passing hereof.

Passed in open council this      day of      A.D. 189

Reeve.

Treasurer.

## CHAPTER 80.

An Act respecting By-Laws Nos. 680, 792 and 823  
of the City of Hamilton.*Assented to 7th April, 1896.*

## Preamble.

**W**HEREAS the Hamilton Iron and Steel Company, Limited, and the municipal corporation of the city of Hamilton have petitioned, praying that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Hamilton, passed on the 24th day of June, 1895, intituled "By-law No. 792, to extend the time for the completion of the iron smelting works," and also a certain other by-law of the said municipal corporation, passed on the tenth day of February, A.D. 1896, intituled "By-law No. 823, respecting the bonuses granted for the promotion of iron smelting works," copies of which said by-laws are respectively contained in schedules A and B to this Act; and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No. 792 to extend time for completing iron smelting works confirmed.

1. The said by-law No. 792 of the municipal corporation of the city of Hamilton intituled, as in the preamble to this Act recited, and which said by-law is set out in schedule A to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the rate-payers thereof, notwithstanding anything in any Act to the contrary.

By-law No. 792 to bind certain persons and lands conveyed to them by city.

2. It is hereby declared that the said by-law No. 792 and the conditions and agreements therein contained are and shall be binding upon Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, junior, and Edward H. Thompson, their executors, administrators and assigns and upon the lands conveyed to them by the corporation of the city of Hamilton under said by-law No. 680, and the plant, buildings, machinery and appurtenances thereon or thereunto belonging.

3. The said by-law No. 823 of the municipal corporation of the city of Hamilton, intituled as in the preamble to this Act recited, and which said by-law is set out in Schedule B to this Act, is hereby confirmed and declared to be legal, valid and binding to all intents and purposes, and the debentures issued or to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the said city of Hamilton and the ratepayers thereof, notwithstanding anything in any Act to the contrary.

By-law No. 823 respecting bonus to iron smelting works confirmed.

4. It is hereby further declared that the said by-law, No. 823, passed by the municipal council of the said city of Hamilton, as aforesaid, and all the conditions and agreements therein contained are and shall be binding upon the said the Hamilton Iron and Steel Company, Limited, their successors and assigns, and upon the lands conveyed by the corporation of the city of Hamilton, under by-law No. 680 of the municipal corporation of the said city of Hamilton, and upon the plant, machinery, buildings and appurtenances thereon or thereunto belonging.

By-law No. 823 to be binding on Hamilton Iron and Steel Co.

5. It is hereby further declared that the said by-law No. 680 shall be read and construed and have force and effect as modified or altered by the terms of said by-laws Nos. 792 and 823 and of this Act.

By-law No. 680 amended.

6. Immediately upon the passing of this Act and upon the said company giving to the said municipal corporation a covenant that the said company will before the 31st day of December, 1896, expend upon the said iron smelting works any balance which may now be unexpended of the sum of \$400,000 mentioned in the second condition of said by-law No. 680, so that the full sum of \$400,000 shall have been expended upon said works before that date, the debentures for \$400,000 mentioned in the second enacting clause of said by-law No. 680, shall be issued and delivered to the Hamilton Iron and Steel Company Limited, or their assigns.

Debentures in aid of smelting works delivery of.

7. The said debentures may be made payable in eighteen years from the date thereof notwithstanding that such period may expire more than twenty years from the date of the passing of said by-law No. 680.

When debentures may be made payable.

8. It is hereby further declared that notwithstanding that the said sum of \$400,000 may not have been expended upon the said iron smelting works before the 31st day of December, 1895, the lands conveyed by the said municipal corporation for said smelting works and now held by the said company may or shall, if the company or their assigns shall have expended that sum thereon before the 31st day of December, 1896, be held by them freed and discharged from the condition that the said lands should revert to and become the property

Lands freed from certain conditions.

property

perty of the said municipal corporation, if the grantees of the said lands or their assigns should not before the 31st day of December, 1894, or within such further time not exceeding one year as the municipal council of the said city of Hamilton might grant, have completed the said iron smelting works upon the said lands and have had the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon the sum of at least \$400,000.

Informalities  
not to invali-  
date debentures.

9. No irregularity in the form of the debentures issued or to be issued under the said by-laws Nos. 680, 792 and 823 or under any of them shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof.

Assent of  
electors not  
required.

10. It shall not be necessary to obtain the assent of the electors of the said city of Hamilton to the passing of the said by-laws Nos. 792 and 823 or either of them, or to the amendment of the said by-law No. 680 or to observe the formalities in relation thereto prescribed in *The Consolidated Municipal Act, 1892*, or any Act amending the same.

55 V. c. 42.

## SCHEDULE A.

### BY-LAW No. 792.

(Passed 24th June, 1895.)

### TO EXTEND THE TIME FOR THE COMPLETION OF THE IRON SMELTING WORKS.

Whereas, By-law No. 680 of this municipality was passed on the twenty-fourth day of July, 1893, for granting a bonus of \$75,000 for the promotion of Iron Smelting Works, and the further sum of \$60,000 for the promotion of Steel Smelting Works in or immediately adjacent to the city of Hamilton;

And whereas, it was by said by-law provided that certain lands therein described, which were to be purchased by the corporation of the city of Hamilton with debentures to the amount of \$35,000, to be issued under said by-law, should be conveyed to Joseph J. Morehouse, James Morehouse, William V. Reynolds, Wm. Foster, jr., and Edward H. Thompson, in said by-law named, their executors, administrators and assigns, immediately after the purchase thereof by the corporation of the city of Hamilton upon and subject to the condition that the said lands should revert to and become the property of the said



said corporation, together with all plant, building, machinery and appurtenances thereon or thereunto belonging if the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, jr., and Edward H. Thompson, their executors, administrators or assigns, or some or one of them, should not before the thirty-first day of December, 1894, or within such further time, not exceeding one year, as the municipal council of the city might grant as thereafter provided for, have completed the said iron smelting works upon the lands thereafter described and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon for the purposes thereinbefore mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that the said parties, their executors, administrators or assigns, should have the right to re-purchase said lands, together with all plant, buildings, machinery and appurtenances thereon or thereunto belonging, upon paying therefor within one year from the thirty-first day of December, 1894, the sum of \$35,000 with interest thereon from the date when the said lands were purchased by the city corporation.

And whereas it was by said by-law further provided that the sum of \$40,000 mentioned in the second enacting clause thereof should be paid to the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, jr., and Edward H. Thompson, their executors, administrators or assigns, by the delivery to them of debentures to that amount issued under said by-law, and bearing interest at four per cent. per annum, but that none of such debentures shall be so delivered to the said parties, their executors, administrators or assigns, or any of them, unless they should have, before the thirty-first day of December, 1894, completed the said iron smelting works on the lands in the said by-law mentioned, and have the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should then have expended thereon for the purposes in said by-law mentioned the sum of at least four hundred thousand dollars; provided, nevertheless, that if the said smelting works should be in active operation on and from the thirty-first day of December, 1894, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the said parties should not by that date have expended for the purposes aforesaid the sum of four hundred thousand dollars, the municipal council of the city should have power by resolution to extend the time for the expenditure of the balance of said sum of \$400,000 for a further period not exceeding one year.

And whereas, the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, jr. and Edward H. Thompson have proceeded with the construction of the said iron smelting works and are carrying on the works

towards

towards completion as fast as possible, but by reason of unforeseen delays in procuring the necessary plant therefor they have been unable to complete said works and have the same ready for operation by the thirty-first day of December, 1894, and have asked for an extension of time for such completion until the thirty-first day of December, 1895;

And whereas the said corporation have consented to grant such extension of time so far as they have power to do so under said by-law, upon and subject to the terms and conditions hereinafter contained.

Therefore the municipal council of the city of Hamilton enacts as follows:

1. The time for the completion of the said iron smelting works and for having the same in actual operation with the capacity mentioned in said by-law shall be extended until the thirty-first day of December, 1895, and the said by-law shall in all respects be read and construed as if the said date were throughout the said by-law substituted for the thirty-first day of December, 1894, and the bonus of \$40,000 payable upon the condition that said works should be completed and in actual operation with the capacity mentioned in said by-law before the thirty-first day of December, 1895.

2. Before the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, jr. and Edward H. Thompson, their executors, administrators or assigns, shall be entitled to claim said debentures to the amount of \$40,000, they shall procure an Act of the Legislature of the Province of Ontario sanctioning this by-law and declaring it to be valid, and the conditions and agreements therein contained to be binding upon the said Joseph J. Morehouse, James Morehouse, William V. Reynolds, William Foster, jr. and Edward H. Thompson, their executors, administrators and assigns, and upon the lands conveyed or to be conveyed to them by the corporation of the city of Hamilton under said by-law, and the plant, buildings, machinery and appurtenances thereon or thereunto belonging, and also enacting that said by-law No. 680 shall be read and construed and have force and effect as modified or altered by the terms of this by-law and of such Act.

Passed the 24th day of June, A.D. 1895.

A. D. STEWART,  
Mayor. [SEAL.]

T. BEASLEY,  
City Clerk.

## SCHEDULE B.

## BY-LAW No. 823.

Passed 10th February, 1896.

Respecting the Bonuses granted for the Promotion of Iron Smelting Works.

Whereas by by-law No. 680 of this municipality, a bonus of \$75,000 was granted for the promotion of iron smelting works, and by by-law No. 772 confirmed by an Act of the Legislature of the Province of Ontario passed in the year 1895 as chapter 67, the time for the completion of said iron smelting works was extended until the 31st day of October, 1895, and it was afterwards, by by-law No. 792, further extended until the 31st day of December, 1895;

And whereas the said smelting works have been in active operation upon and from the 31st day of December, 1895, with a capacity to turn out at least one hundred and fifty tons of pig iron per day, but the Hamilton Iron and Steel Company, Limited, who have proceeded with the completion of the said iron smelting works, and who are now operating the same, have not shown that the sum of \$400,000 has been expended upon the said works, but have satisfied this council that they are expending large sums of money upon said works and must necessarily expend thereon before the 31st day of December, 1896, not less than \$100,000 in order to provide the facilities requisite for the carrying on of the said smelting works;

And whereas the said company have applied to this council for the delivery to them of the debentures for \$40,000 mentioned in the second enacting clause of by-law No. 680, hereinbefore referred to, upon their entering into an agreement with the city corporation that the company will, before the 31st day of December, 1896, expend upon the said iron smelting works any balance which may be unexpended of the sum of \$400,000 mentioned in the second condition of said by-law No. 680.

Therefore the municipal council of the corporation of the city of Hamilton enacts as follows:

1. As soon as this by-law has been confirmed by an Act of the Legislature of the Province of Ontario, the debentures for \$40,000 mentioned in the second enacting clause of said by-law No. 680, shall be issued and delivered to the said company or their assigns upon the said company giving to the city corporation a covenant that the company will, before the 31st day of December, 1896, expend upon the said iron smelting works any balance which may be unexpended of the sum of \$400,000 mentioned in the second condition of said by-law No. 680, so that the full sum of \$400,000 shall have been expended upon said works before that date.

2. The said debentures may be made payable in eighteen years from the date thereof, notwithstanding that such period may expire more than twenty years from the date of passing of said by-law No. 680.

It is hereby declared that notwithstanding that the said sum of \$400,000 may not have been expended upon the said iron smelting works before the 31st day of December, 1895, the lands conveyed by the corporation of the city of Hamilton for said smelting works and now held by the said company, may be held by them freed and discharged from the condition that the same should revert to and become the property of this corporation, if the grantees of the said lands or their assigns, should not before the 31st day of December, 1894, or within such further time, not exceeding one year, as this council might grant, have completed the said iron smelting works upon the said lands and have had the same ready for operation with a capacity to turn out at least one hundred and fifty tons of pig iron per day, and should not then have expended thereon the sum of at least \$400,000 provided the company or their assigns shall have expended that sum thereon before the 31st day of December, 1896.

Passed this 10th day of February, A.D. 1896.

(Sgd.) T. BEASLEY, City Clerk. (Sgd.) GEORGE E. TUCKETT, Mayor. [SEAL.]

---



## CHAPTER 81.

## An Act respecting the Debenture Debt of the County of Huron.

*Assented to 7th April, 1896.*

**W**HEREAS the municipal corporation of the county of Preamble.  
Huron have by their petition represented that owing to error and mistake, the sinking fund fixed in and by the by-laws in that behalf, intended to provide for the payment, at maturity, of certain debentures of the said corporation, about to fall due, amounting to the sum of £54,000 sterling, issued as security for a loan for redemption of outstanding debentures under a by-law of the said corporation, dated the 23rd day of February, 1876, has, although duly collected and invested according to law, proved to be insufficient to meet the said debentures by the sum of \$60,000, and that it will be necessary for the said corporation to borrow the said sum of \$60,000, with which, and the said sinking fund and its accumulations, to meet and retire the said debentures; and whereas it is by the said petition further represented that the said corporation has recently established a house of industry and house of refuge at a total expenditure of \$20,000, for the payment of which latter sum it will also be necessary to borrow the sum of \$15,000; and whereas the said sinking fund has, as appears by the said petition, been invested and is now invested to the sum of \$170,000, in mortgages on real estate, which it will be necessary to dispose of and realize upon at once in order to obtain and apply the proceeds in payment of the said debentures so about to mature, and that it will be to the advantage of the said corporation in disposing of the said mortgages to be allowed to guarantee to the purchasers the sufficiency of the said mortgages as security for the loans thereby represented; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the county of Power to borrow \$60,000.  
Huron to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, or body corporate, a sum not exceeding \$60,000, for the purpose of, with the said sinking fund and its accumulations, paying off the said debentures of

the said corporation, about to mature as aforesaid, and a further sum not exceeding \$15,000 for the purpose of paying for the expenditure in connection with the establishment of the said house of industry and house of refuge.

Power to borrow \$15,000

Application of proceeds of loan.

2. The proceeds of the said loan shall be applied for the purpose of redemption and payment of the said outstanding sterling debentures, and of the expenditure upon the said house of industry and house of refuge, and for no other purpose or purposes.

Payment of sterling debentures.

3. All charges and expenses of and incidental to the payment and redemption of the said debentures may be paid out of the proceeds of the said loan.

Form of debentures.

4. The debentures to be issued under the authority of this Act shall be known as "The County of Huron Consolidated Debentures," and may be made payable in Canada or Great Britain, or elsewhere, and in any currency, and shall be in sums of not less than \$1,000 Canadian currency, or £200 sterling money of Great Britain.

Term of debentures.

5. The said debentures shall be made payable within twenty years from the first day of July next, and shall be signed by the warden and countersigned by the treasurer of the said corporation, and shall be sealed with the corporate seal of the said corporation, and the principal thereof may be repayable annually in instalments, or at the end of the said period of twenty years, at the option of the said corporation.

Payment of interest.

6. Coupons may be attached to the said debentures for the payment of the interest thereon at such rate not exceeding four per cent. per annum, as to the council of the said corporation may seem meet, and the interest may be made payable yearly or half-yearly.

Special rate for interest and sinking fund.

7. The said municipal council may levy in each year during the said period of twenty years over and above and in addition to all other rates to be levied in each year, and over and above the interest to be paid on said debentures, a sum which shall be sufficient to form a sinking fund for the purpose of payment of the principal of said debentures so to be issued, or a sum sufficient to pay the annual instalments thereof, composed of both principal and interest in case the instalment plan shall be adopted.

Investment of sinking fund.

8. The said corporation shall have power to invest any money at any time standing at the credit of the sinking fund in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes and being the first lien on said real estate, but not to any greater extent than two-thirds of the assessed value of the said

said real estate, or in any other securities authorized by any Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada, that the council may from time to time approve.

9. It shall not be necessary that any by-law that may be passed for the issue of the debentures, the issue of which is authorized by the foregoing provisions of this Act, shall be submitted for the approval of or receive the assent of the ratepayers of the county of Huron, in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and any such by-law so to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Assent of electors to by-laws not required.

55 V. c. 42.

10. No irregularity in form of the debentures issued under the authority of this Act, or any by-law authorizing the issue thereof, shall render the same invalid or be allowed as a defence to any action against the said corporation for the recovery of the amount thereof, or the interest thereon, or any part thereof.

Irregularities in form not to invalidate debentures.

11. The purchaser, if any, of the debentures which shall be issued under the authority of this Act, shall not be bound to see to the application of his purchase money, and any of the said debentures which shall purport to have been issued under the authority of this Act shall be conclusively presumed in favour of the purchaser thereof to have been so issued.

Purchasers not bound to see to application of moneys.

12. It shall be the duty of the treasurer, from time to time of the said county, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiations of the said debentures, and the application which shall from time to time be made of the said amounts, and the investments which shall from time to time be made of the sinking fund, and the said book of account and statement shall at all times and at reasonable hours be open to the inspection of any rate-payer of the said county, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Books of account to be kept by treasurer.

Form of  
debentures.

**13.** The debentures to be issued under the preceding sections of this Act may be in the form contained in Schedule "A" to this Act.

Guaranteeing  
mortgages in  
which sinking  
fund invested.

**14.** Upon the sale by the said corporation of the county of Huron of any mortgage or mortgages representing an investment of the sinking fund provided for in the said by-law of the 23rd February, 1876, it shall be lawful for the said corporation to guarantee to the purchaser the due payment of the amount secured by such mortgage or mortgages, and the sufficiency in all respects of the title and security involved therein.

Form of guar-  
antee.

**15.** The guarantee to be given by the said corporation of the county of Huron may be in the form contained in Schedule "B" to this Act.

Short title.

**16.** This Act may be cited as *The County of Huron Consolidated Debenture Act, 1896*.

## SCHEDULE A.

(Section 13.)

### COUNTY OF HURON CONSOLIDATED DEBENTURES.

Province of Ontario.

County of Huron.

Under and by virtue of *The County of Huron Consolidated Debenture Act, 1896*, and by virtue of by-law No. , of the corporation of the county of Huron, passed under the provisions contained in the said Act, the corporation of the county of Huron promises to pay the bearer at the office of the treasurer of the said municipality, at the town of Goderich, in the said county, the sum of \$ , on the day of A.D. , and the half-yearly coupons for interest thereon attached as the same shall severally become due.

Dated at the town of Goderich, in the county of Huron, this day of 18 .

Warden.  
Treasurer.

## SCHEDULE B.

(Section 15.)

### FORM OF GUARANTEE.

And the said assignors hereby covenant with the said assignee, that the said indenture of mortgage is a good valid and sufficient security for the said principal and interest now unpaid thereon, and the said assignors hereby guarantee the due payment by the mortgagor, his heirs or assigns, of the said principal money and interest.



## CHAPTER 82.

## An Act respecting the City of London.

*Assented to 7th April, 1896.*

**W**HEREAS the municipal council of the corporation of the city of London has, by its petition, prayed for special legislation in respect of the several matters therein set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Notwithstanding the provisions of any Act or law, the corporation may borrow, for any period not exceeding forty years, such sum, not exceeding twenty-five thousand dollars, as to the council thereof may seem meet, and the moneys so borrowed shall be expended, under the direction of a committee to be appointed by the directors of the Western Fair Association, consisting of six of the said directors and the members of committee No. 2 of the council of the said corporation and the engineer of the said city, in erecting buildings on the fair grounds of the Western Fair Association to replace those recently burned, and to provide further accommodation for the said association, and the said buildings and erections shall be and remain the property of the corporation of the city of London; provided, however, that if the said corporation by any by-law authorizes the borrowing of a less sum than the said twenty-five thousand dollars, there shall thereafter be no power to borrow any further sum under the provisions of this section.

Power to borrow \$25,000 for Western Fair Association.

2. It shall not be necessary that any by-law, passed for the purposes mentioned in section 1 of this Act, shall be submitted to or receive the assent of the ratepayers of the said city, but all the other provisions of *The Consolidated Municipal Act, 1892*, which are applicable and which are not inconsistent with the provisions of this Act shall apply to such by-law.

Assent of electors not required.

Power to borrow \$150,000 for sewerage farm.

3. Notwithstanding the provisions of any Act or law, but with the assent of the ratepayers under the provisions of *The Consolidated Municipal Act, 1892*, the corporation of the city of London may, in addition to the amount authorized to be borrowed by section 20 of this Act, borrow, for any period not exceeding forty years, such sum, not exceeding one hundred and fifty thousand dollars, as to the council thereof may seem meet, to pay for the lands and other necessary works and materials for a sewerage farm for the said city, and for the construction and extension of sewers in the said city to the said farm, and for the other works incidental to or connected with the same, and the council of the said corporation shall submit the by-law for the purposes mentioned in this section to the ratepayers of the said city within five months from the passing of this Act.

Interest on debentures.

4. The debentures issued for any of the purposes mentioned in sections 1 and 3 of this Act, may bear such rate of interest, not exceeding five per cent. per annum, as the council of the corporation of the city of London may from time to time determine.

Power to construct a sewerage farm

5. The corporation of the city of London may and shall have power to design, construct, build, purchase, improve, hold and generally maintain, manage and conduct a sewerage farm for the treatment and disposal of the sewage, night soil, garbage, and refuse of the said city of London, and all buildings, machinery and appliances therewith connected or necessary thereto in the city of London, or within six miles of the said city, as hereinafter provided.

Extending sewerage system to farm.

6. The corporation of the city of London shall have power to employ engineers, surveyors and such other persons and to rent or purchase such lands, buildings and privileges, as in their opinion may be necessary to enable them to carry out the construction and operation of the sewerage farm in the next preceding section referred to, and to construct, extend and connect the sewers in the said city of London with the said sewerage farm.

Taking land for a sewerage farm.

7. It shall and may be lawful for the said corporation, their agents, servants and workmen, from time to time and at such times hereafter as they shall see fit, and they are hereby authorized and empowered, to enter into and upon the lands of any person or persons, body politic or corporate within the city of London or within six miles of the city of London and to survey, set out and ascertain such parts thereof as the said corporation may require for the purposes of the said sewerage farm, and to build, construct and extend the said sewers in the said city of London to the said sewerage farm and to contract with the owner or occupier of the said lands or any part thereof, or of any privilege that may be require

for the purposes aforesaid, and, in case of any disagreement between the said corporation and the owners or occupiers of the said lands, or any person having an interest in the said lands, or in such privileges as aforesaid, respecting the amount of purchase or value thereof or as to the damages such expropriation shall cause to them or otherwise, the same shall be decided by three arbitrators to be appointed as hereinafter mentioned, namely, the corporation shall appoint one arbitrator, the owner or owners shall appoint another and the two arbitrators so chosen shall, within ten days after their appointment, appoint a third arbitrator, but in the event of the said two arbitrators not appointing a third arbitrator within the time aforesaid, the senior or junior judge of the county court of the county of Middlesex shall, on application by either party, appoint such third arbitrator.

8. In case any such owner or occupier shall be an infant, married woman or insane or absent from this Province, or shall refuse to appoint an arbitrator on his behalf, or in case such land or privilege may be mortgaged or pledged to any person or persons, the said judge, on application being made to him for that purpose by the corporation, shall nominate and appoint three indifferent persons as arbitrators, and the arbitrators to be appointed as hereinbefore mentioned shall award, adjudge, determine and order the respective sums of money which the corporation shall pay the respective persons entitled to receive the same, and the award of the majority of the said arbitrators, in writing, shall be final, and the said arbitrators shall be and they are hereby required to attend at some convenient place at or in the vicinity of the said city, to be appointed by the said corporation after eight days' notice given for that purpose by the said corporation, there and then to arbitrate and award, adjudge and determine such matters and things as shall be submitted for their consideration by the parties interested and also the costs attending such reference and award, and each arbitrator shall be sworn before some one of Her Majesty's justices of the peace in and for the county of Middlesex or an alderman of the said city well and truly to assess the value or damages between the parties to the best of his judgment, and the justices of the peace or aldermen before whom the said arbitrators, or any of them, shall be sworn shall give any of the parties requiring the same a certificate to that effect, provided always that any award under this Act shall be subject to be set aside on application to the High Court of Justice in the same manner and on the same grounds as in ordinary cases of arbitration, in which case a reference may be again made to arbitration as hereinbefore provided, and that any sum so awarded shall be paid within three calendar months from the date of the award or determination of any motion to annul the same, and, in default of such payment, the proprietor may resume pos-

Proceedings  
when owners  
of land under  
disability.



session of his property and all his rights shall thereupon revive, and the award of the majority of the said arbitrators shall be binding on all parties concerned, subject as aforesaid.

Payment into  
court of  
amount of  
compensation.

**9.** If any of the owners or occupiers or other person interested in any land or privilege entered upon or taken under the provisions of this Act is an infant, insane or absent from this Province, or if any person interested in the moneys awarded as compensation therefor refuses to or is unable to execute the proper conveyance, or if, for any other reason, the corporation deem it advisable so to do, the corporation may pay the amount of such compensation, with interest for six months, into the High Court of Justice for the purpose of the same being distributed between and paid to the persons entitled thereto according to their several and respective interests therein, and thereupon the lands, rights and privileges in respect of which such compensation was awarded shall be vested in the said corporation, its successors and assigns, and the award shall be deemed the title of the corporation and may be registered in the proper registry office.

Notice to  
persons  
interested to  
file claims for  
compensation.

**10.** A notice in such form and for such time as the said court appoints shall be inserted in some newspaper published in the county in which the lands are situate, which shall state that the title of the corporation, that is the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudicated upon by the court and the said proceedings shall forever bar all claims to the said lands, rights or privileges, or any part thereof, including dower, as well as all mortgages and encumbrances upon the same, and the court shall make such order for the distribution, payment or investment of the compensation and for securing the rights of all parties interested as to right and justice and according to the provisions of this Act and to law appertain, and the costs of the proceedings, or any part thereof, shall be paid as the court deems it equitable to order.

Adjudication  
of claims.

Returning  
proportion of  
interest to  
corporation.

**11.** If such order of distribution as aforesaid is obtained in less than six months from the payment of the compensation into court, the court shall direct a proportionate part of the interest to be returned to the corporation.

Order for  
immediate  
possession.

**12.** If the corporation show, by affidavit, to the satisfaction of the senior or junior judge of the county court of the county of Middlesex that immediate possession of the lands or privileges, which are sought to be acquired under the provisions of this Act, is necessary for proceeding with the operations of the corporation and that the corporation are ready to proceed with such operations forthwith, the said judge may,  
upon



upon the corporation giving security to his satisfaction in such sum as he may think just, to pay or deposit the compensation to be awarded within one month after making the award, with interest from the time possession is given, and also to pay such costs as may be lawfully payable by the corporation, issue his warrant to the sheriff of the county of Middlesex or to a bailiff, as he may deem most suitable, to put the corporation in possession and to put down any resistance or opposition to possession being taken, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do.

**13.** The lands and privileges which shall be ascertained, set out or appropriated by the said corporation for the purposes thereof as aforesaid shall thereupon and forever thereafter be vested in the corporation of the city of London and their successors, and it shall and may be lawful for the said corporation and their successors to construct, erect and maintain in and upon the said lands all such buildings, works and machinery as may be requisite for the said undertaking and to convey the sewerage, night soil, garbage and refuse thereto from the said city in, upon or through any of the grounds and lands lying intermediate between the said sewerage farm and the sewers in the said city of London by one or more lines of pipe as may from time to time be found necessary and, for the better effecting the purposes aforesaid, the said corporation and their successors and servants are hereby empowered to enter and pass upon and over the said grounds, roads, highways, railways and lands intermediate as aforesaid and the same to cut and dig up if necessary and to lay down the said pipes through the same and in, upon, over, under and through the highways, railways and roads within six miles of the said city of London, and in, through, over and under the public ways, streets, lanes, railways or other passages within the city of London and in, upon, through, under and over the lands, grounds and premises of any person or persons, bodies politic, corporate or collegiate or any lands of the Crown, and to set out, ascertain, use and occupy such part or parts thereof as the said corporation, or their successors, shall think necessary and proper for the making and maintaining of the said works, or for taking up, removing, altering or repairing the same, and from time to time to alter all or any of the said works, as well in the position as in the construction thereof, as to the corporation or their successors, may seem meet, doing as little damage as may be in the exercise of the powers hereby granted to them and making reasonable and adequate compensation to the proprietors, to be ascertained, in case of disagreement, by arbitration as aforesaid, and may also, by law passed by two-thirds of all the members of the council of the said corporation, stop up, close and use such street or streets, or portion thereof, as the council may deem necessary or expedient for any of the purposes aforesaid, and all such sewerage works, buildings,  
pipes

Vesting lands  
in corpora-  
tion.

pipes, erections and machinery requisite for the said undertaking shall likewise be vested in and be the property of the said corporation.

Exemption of property connected with farm from taxation.

**14.** The lands, buildings, machinery, pipes and all other real or personal property connected with or belonging to the said sewerage farm shall be exempt from taxation, but the said corporation shall pay taxes on the assessed value of the lands only outside the limits of the said city, which may, under the authority of this Act, be acquired for the purposes aforesaid, and such assessed value shall be and continue to be the assessed value at the time the lands are so acquired.

Limitation of actions.

**15.** If any action or suit be brought against any person or persons for anything done in pursuance of this Act, the same shall be brought within two years next after the act complained of is committed.

Regulations affecting sewerage farm.

**16.—(1)** The establishment, maintenance and operation of the said sewerage farm shall in all respects be subject to such conditions, restrictions and regulations as to the area of same, the plan or system of sewage disposal to be adopted and the mode of operation and precautions to be observed, as may be prescribed by the Provincial Board of Health, subject to the approval of the Lieutenant-Governor in Council, and, save as to such approval being necessary, the provisions of *The Public Health Act, 1895*, shall apply thereto.

58 V. c. 49.

(2) No action shall be brought against the said corporation and its successors, servants and workmen for or by reason of the maintenance of the said sewerage farm, or of any of the works in connection therewith, if, and so long as the same shall be established, operated and maintained in pursuance of the conditions, restrictions and regulations approved of by the Lieutenant-Governor in Council as in this section mentioned.

(3) Provided, however, that in the case of any owner of land adjacent to the sewerage farm claiming to be entitled to damages by reason of noncompliance with the conditions, restrictions and regulations prescribed by the Provincial Board of Health, and approved of as aforesaid, an action may be brought against the said corporation, its successors, servants and workmen, for damages suffered in consequence of such noncompliance, but only after leave to bring such action shall have been obtained from a judge of the High Court by order in that behalf, after notice to the said corporation, and on a *prima facie* case being made out of substantial noncompliance on the part of the said corporation.

(4) Nothing in this section contained shall free or exempt the said corporation from liability in respect of any negligence in maintaining and operating the said sewerage farm, or in carrying out or complying with the said conditions, restrictions or regulations.

**17.** The annual cost of the maintenance and operation of the said sewerage farm shall be estimated for each year by the council of the said corporation and provided for out of the general funds of the said city of London.

Provision for  
cost of sewer-  
age farm.

**18.—(1)** In the event of the corporation, under the provisions and for the purpose of carrying out the objects of this Act, constructing or laying any main or intercepting sewer and paying for the same out of the proceeds of the debentures authorized by section 3 of this Act to be issued, whenever thereafter, under the provisions of *The Consolidated Municipal Act, 1892*, or any amendments thereto, there shall be constructed or laid under the local improvement clauses of the said Act, any drain or sewer to connect with any of the said main or intercepting sewers, there shall be added to the cost of each drain or sewer so constructed or laid as aforesaid ten per cent. of the amount of such cost to assist in defraying the expense of the said main or intercepting sewer, and the said ten per cent. shall be levied and collected in the same manner as if it were a part of the original cost of the said drain or sewer, and the said percentage, when received by the corporation, shall be used and employed by the corporation, in the maintenance and operation of the said sewerage works.

Cost of  
constructing  
connections  
with main  
sewers

55 V. c. 42.

**(2)** In the event of the corporation, under the provisions and for the purpose of carrying out the objects of this Act, constructing or laying any main or intercepting sewer in any street or portion of a street in the said city, where, at the time of the passing of this Act, there is no other sewer, and paying for the same out of the proceeds of the debentures, authorized by sections 3 and 20 of this Act, or either of them, to be issued, the council of the said corporation shall pass a by-law to assess and levy and shall assess and levy, by an annual special rate sufficient therefor according to the frontage thereof, upon the real property fronting or abutting upon or extending to within six feet of the street or portion of the street within which any such sewer shall be constructed or laid, a sum which shall, in the opinion of the engineer for the time being of the said corporation, be sufficient to pay for a sewer of sufficient capacity for the purpose of draining the said real property (such sum to be determined by the said engineer, whose decision in writing when filed in the office of the clerk of the said corporation shall be final and conclusive) and the council of the said corporation shall regulate the time or times and manner in which the said assessments shall be levied and shall have power and they are hereby empowered to pass the necessary by-law or by-laws authorizing the issue of debentures, for any period not exceeding ten years, to borrow moneys to pay any such sum in like manner as if such sum had been expended in a local improvement or work which had been constructed under the provisions of sections 612 and 613 of *The Consolidated Municipal Act, 1892*.

55 V. c. 42.



Special rates  
for drainage of  
low lands.

**19.** Whenever it shall be necessary for the corporation, in order to drain low-lying lands in the said city, to erect pumps or other machinery or appliances for the purpose of conveying the sewage of such low-lying lands to the main sewer or sewers, and in order to make the same a part of the general system of sewerage affected by the provisions of this Act, a special rate, for such a number of years as will reimburse the said corporation the cost of the construction, erection and maintenance of the said pumps, may be levied by the council of the corporation upon the low-lying lands so drained as aforesaid.

Provision for-  
defraying cost  
of sewerage  
works out of  
debentures  
issued under  
54 V. c. 72.

55 V. c. 42.

**20.** The said corporation may, for the purpose of assisting in defraying the cost of the sewerage farm and the sewers and other works mentioned in section 3 hereof, provide a sum, not exceeding fifty-five thousand dollars, out of the proceeds of the loan by *The City of London Debt Consolidation Act, 1891*, authorized to be effected for the payment and consolidation of its outstanding indebtedness, and it shall not be necessary that any such by-law shall be submitted for the approval of or receive the assent of the ratepayers of the City of London in accordance with the provisions of *The Consolidated Municipal Act, 1892*, and it shall be sufficient if any such by-law be in the form in schedule A to the said *The City of London Debt Consolidation Act, 1891* set forth, notwithstanding the provisions of *The Consolidated Municipal Act, 1892*.

54 V. c. 72.

55 V. c. 42.

Power of city  
under general  
Act not to be  
affected.

**21.** Nothing in this Act contained shall interfere with or prevent the exercise by the said municipal council of any of its powers under *The Consolidated Municipal Act, 1892*, and amendments thereto, but the powers by this Act conferred shall be deemed to be additional to such powers, which may be exercised as fully as if this Act had not been passed.



## CHAPTER 83.

## An Act respecting the Floating Debt of the Village of Markham.

*Assented to 7th April, 1896.*

**W**HEREAS, the corporation of the village of Markham Preamble.  
 have by their petition represented that they have incurred a floating debt of about \$3,000, in addition to the ordinary expenses of the corporation, for payment of which no fund has been provided; and whereas the said corporation have represented that the payments to be made on account of the debenture debts of the said municipality, and the said floating debt would be unduly oppressive to the ratepayers; and whereas the said corporation have, by their petition, prayed, among other things, that they may be authorized to issue debentures to an amount not exceeding in the whole \$3,000, and with the money loaned thereon to pay off the present floating indebtedness; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the said village of Markham to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued, from any person or persons or body corporate, a sum or sums sufficient to pay off the said floating indebtedness, not exceeding in the whole \$3,000. Debts consolidated at \$3,000.

2. The said corporation of the village of Markham from time to time may pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums not less than \$100, and not exceeding \$3,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at Power to issue debentures for \$3,000.

such

such place or places as the said corporation may deem expedient, and may be expressed in either sterling money of Great Britain or currency of Canada.

Raising  
money on  
debentures.

3. The corporation of the said village may, for the purposes in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell or dispose of the said debentures from time to time as they may deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than twenty years from the first day of November, 1896, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of November in each and every year at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Debts to be  
discharged by  
annual  
instalments.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years from the first day of November, 1896, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of  
proceeds of  
debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in payment of the said floating debt not exceeding in the whole \$3,000 as aforesaid, and in no other manner and for no other purpose whatsoever.

Assent of  
electors to by-  
laws not re-  
quired.

8. It shall not be necessary to obtain the assent of the electors of the said village of Markham for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any amending Acts.

55 V. c. 42.

By-laws not  
to be repealed  
until debts  
paid.

9. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

10. It shall be the duty of the treasurer from time to time of the said village to keep, and it shall be the duty of each of the members from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village, and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep proper books of account.

11. Nothing in this Act shall be held or taken to discharge the corporation of the village of Markham from any indebtedness or liability which may not be included in the said debts of the said village.

Existing indebtedness not discharged.

12. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same and for the special rate for payment of interest may be in the form of schedule B to this Act.

Form of debentures and by-laws.

13. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in any by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or by-laws, or issue of debentures, or as to the application of the proceeds thereof.

Inconsistent provisions not to apply.

## SCHEDULE A.

(Section 12.)

## DEBENTURE.

Province of Ontario, village of Markham.

No.

\$

Under and by virtue of *An Act respecting the Floating Debt of the Village of Markham*, passed by the Legislative Assembly of the Province of Ontario at the last session thereof, and by-law No.                      of the corporation of the village of Markham, passed under the provisions contained in the said Act, the corporation of the village of Markham promise to pay to the bearer at                      in the sum of                      on the                      day of                      A.D.                      and the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at the village of Markham in the county of York, this                      day of                      A.D.

[L.S.]

Reeve.

Treasurer.

## SCHEDULE B.

(Section 12.)

By-law No.                      to authorize the issue of debentures under the authority of *An Act respecting the Floating Debt of the Village of Markham*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, not exceeding the sum of \$3,000 in the whole, as the corporation of the village of Markham may in pursuance of and in conformity with the provisions of the said Act direct; and whereas, for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      and on the                      day of                      (or as the case may be) with interest thereon at the rate of                      per centum per annum, payable yearly according to the coupons to the said debentures attached; and whereas the amount of the whole rateable property of the said village of Markham, according to the last revised assessment roll of the said village being for the year one thousand eight hundred and                      was \$

Therefore



Therefore the municipal corporation of the village of Markham enacts as follows:

1. Debentures under the said Act, and for the purposes mentioned therein to the extent of the sum of \$            are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of            per centum per annum payable yearly on the            day of            in each year.

This by-law passed in open council this            day of            in the year of our Lord one thousand eight hundred and

## CHAPTER 84.

## An Act respecting the Township of Mornington

*Assented to 7th April, 1896.*

Preamble.

WHEREAS the corporation of the township of Mornington have, by their petition, represented that in aiding the Stratford and Huron Railway Company they incurred a debt of \$40,000, for which amount debentures of the said corporation were issued under by-law No. 110, passed on the twenty-first day of December, A.D. 1876, and that by way of provision for sinking fund for redeeming the same the sum of \$8,000 only has been raised, in addition to the annual interest thereon, none of which is in arrears; and whereas the said debentures will become due and payable in the month of December, 1896; and whereas it has been made to appear that the levying of a rate for the immediate payment of the said debt would be unduly oppressive to the ratepayers; and whereas the said corporation have, by their petition, prayed that they may be authorized to issue debentures for the sum of \$32,000 to meet and pay off the remainder of the said debentures, falling due as aforesaid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to issue  
debentures for  
\$32,000.

1. It shall be lawful for the corporation of the township of Mornington to pass a by-law or by-laws providing for the issue of debentures under their corporate seal, signed by the reeve and countersigned by the treasurer for the time being, in such sums of not less than \$100, and not exceeding \$32,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable at such place or places in this Province as the said corporation may deem expedient.

2. The corporation of the said township may, for the purpose herein mentioned, raise money by way of loan on the said debentures or sell and dispose of the said debentures from time to time as they may deem expedient.

Raising money on debentures.

3. The said debentures shall be payable in not more than twenty years from the issue thereof as the said corporation may direct. Coupons shall be attached thereto for the payment of the interest thereon, and such interest shall be payable yearly on the first day of January or half yearly on the first day of the months of July and January in each and every year, at the place mentioned therein and in the coupons attached thereto, and the said debentures may bear interest at any rate not exceeding four per cent. per annum.

Payment of debentures and interest.

4. The said debentures, and all moneys arising therefrom, shall be applied by the said corporation in the redemption of the now outstanding debentures of the township of Mornington, issued in aid of the Stratford and Huron Railway Company, and in no other manner, and for no other purpose whatsoever, and said debentures may be known as the Stratford and Huron Railway Debentures.

Application of proceeds of loan.

5. The treasurer of the said township, on receiving instructions from the council so to do, shall, on the maturity of the debentures now outstanding, discharge the same with funds raised under the preceding sections of this Act, or may, with the consent of the holders of the said outstanding debentures, substitute therefor the debentures, or any of them herein authorized to be issued, as may be agreed upon between the said council and the holders of the said outstanding debentures.

Paying off outstanding debentures.

6. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debts paid.

7. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty years, from the first day of January, 1897, so that the aggregate amount to be levied and payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt has to be discharged.

Debentures, how payable.

8. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest, in respect of the debentures authorized to be issued under this Act, to be called the Stratford and Huron Railway Debenture Rate, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures, or any of them.

Special rate.

Books of account to be kept by treasurer.

9. It shall be the duty of the treasurer of the said township from time to time to keep, and it shall be the duty of each of the members of the said municipal council from time to time to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which shall from time to time be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the time at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale, or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of accounts and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said township, and of any of the holders from time to time of the debentures, which shall be issued under the powers hereby conferred, or any of the said debentures now outstanding.

Assent of electors to by-laws not required.

10. It shall not be necessary to obtain the assent of the electors of the said township of Mornington to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*, or any Act amending the same.

55 V. c. 42.

Form of debentures and by-laws.

11. The debentures to be issued under this Act may be in the form of Schedule A hereto, and the by-law or by-laws authorizing the same may be in the form set out in Schedule B to this Act.

Inconsistent provisions not to apply.

12. Any provisions of the Acts respecting municipal institutions, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the corporation under the provisions of this Act, and no irregularity in form, either of the debentures to be issued under this Act, or of the by-law or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence in any action which may be brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Preamble.

13. Whereas the municipal council of the township of Mornington did on the 16th day of December, 1895, finally pass a by-law numbered 250 for raising the sum of \$593.93, the amount to be contributed by the said township towards

the



the construction of certain drainage works initiated by the township of Ellice; and whereas before the final passing of the said by-law numbered 250 a court of revision was held in the manner provided by *The Drainage Act, 1894*; and whereas doubts have arisen as to the validity of the said by-law No. 250 owing to the same not having been duly published or served as provided by the said Act; and whereas all the owners of lands assessed under the said by-law No. 250 have by their petition prayed that the said by-law may be validated and confirmed.

The said by-law No. 250 of the township of Mornington, a copy of which is set forth in schedule "C" to this Act, and any debentures issued or to be issued under the same are hereby declared to be legal, valid and binding upon the township of Mornington and the ratepayers thereof, notwithstanding any irregularity in the form or in the manner of passing the same, anything in any Act contained to the contrary notwithstanding.

By-law No. 250 of the township of Mornington confirmed.

**14.** This Act may be cited as *The Mornington Railway Debenture Act, 1896*. Short title.

## SCHEDULE A.

(Section 11.)

PROVINCE OF ONTARIO.

TOWNSHIP OF MORNINGTON.

*Stratford and Huron Railway Debenture Rate.*

\$

No.

Under and by virtue of *The Mornington Railway Debenture Act, 1896*, and by virtue of By-law No.      of the corporation of the township of Mornington passed under the provisions contained in the said Act, the corporation of the township of Mornington in the county of Perth, promises to pay to the bearer at      in the city of      the sum of \$      on the      day of      A. D. 18      , and to pay the bearer the (yearly or half yearly) coupons, as the case may be, for interest thereon hereto attached, as the same shall severally become due.

Dated at      in the township of Mornington, this  
day of      , A.D. 189      .

Reeve.

Treasurer.

## SCHEDULE B.

(Section 11.)

BY-LAW NO.      OF THE TOWNSHIP OF MORNINGTON.

To authorize the issue of debentures under the authority of *The Mornington Railway Debenture Act, 1896*.

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned to be known as the Stratford and Huron Railway Debentures, not exceeding the sum of \$32,000 in the whole, as the corporation of the township of Mornington may in pursuance of and in conformity with the provisions of the said Act direct;

And whereas for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$      payable on the      day of      with interest thereon at the rate of four per cent. per annum payable yearly (or half yearly, as the case may be,) according to the coupons to the said debentures attached

And

And whereas the amount of the whole ratable property of the township of Mornington according to the last revised assessment roll of the said township being for the year 189 was \$

Therefore the municipal corporation of the township of Mornington hereby enacts as follows :

1. Debentures under the said Act and for the purposes therein mentioned to be known as the Stratford and Huron Railway Debentures to the extent of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of per cent. per annum, payable half yearly, on the first day of the months of July and January in each year.

3. The said debentures shall be payable in yearly payments of principal and interest combined, such yearly payments of principal and interest combined to be as nearly equal each year as possible.

4. This by-law shall come into effect forthwith after the passing hereof.

Passed in open council this day of A.D. 189

Reeve.

Treasurer.

---

## SCHEDULE C.

*(Section 13).*

### BY-LAW No. 250.

A by-law to levy and collect the sum of \$586.02, with four per cent. interest added, off certain lots or parts of lots and road allowance in the township of Mornington, assessed by by-law No. 339 of the township of Ellice, and amended by a court of revision held by the municipal council of the township of Mornington on the 14th day of October, and on the 4th day of November, 1895, for the purpose of improving the water course known as the North Black Creek, in the township of Ellice, in the county of Perth

Whereas it is necessary to pass a by-law to levy and collect the above amount.

Be

Be it therefore enacted by the municipal council of the township of Mornington under the power vested in them by *The Drainage Act of 1894*, that the following sums as amended by the court of revision be levied and collected in ten annual payments with interest thereon for ten years, at the rate of four per centum per annum, to be levied and collected in the same manner and at the same time as other taxes are levied and collected upon and from the under-mentioned lots and parts of lots and roads :

Concession.	Lots or parts of lots.	Acre.	Value of benefit.	Value of outlet liab.	Allowance for private drains.	Net total.	To cover interest for 10 years at 4 per cent.	Total special rate.	Annual assessment during each year for 10 years.
			£ s. c.	£ s. c.	£ s. c.	£ s. c.	£ s. c.	£ s. c.	£ s. c.
1	S. 1-5 12 .....	50	.....	5 87	.....	5 87	1 33	7 20	72
1	N. 2-5, S. 3-5 12....	102	.....	8 64	.....	8 64	1 96	10 60	1 06
1	N. 2-5 12 .....	100	.....	1 18	.....	1 18	22	1 40	14
1	S. $\frac{1}{2}$ of S $\frac{1}{2}$ 13 .....	38	33 74	6 19	24 80	15 63	3 67	19 30	1 93
1	N. $\frac{3}{4}$ of S. $\frac{1}{2}$ 13 .....	88	146 26	14 35	154 26	6 35	1 45	7 80	78
1	N. $\frac{3}{4}$ 13 .....	126	126 56	8 13	142 56	7 87	to be paid to owner.		
1	W. 4-5 S. 3-5 14....	120	.....	19 19	.....	19 19	4 51	23 70	2 37
1	E. 1-5 S. 3-5 14....	32	.....	8 32	.....	8 32	1 88	10 20	1 02
1	N. 2-5 14 .....	100	.....	3 96	.....	3 96	94	4 90	49
1	N.W. $\frac{1}{4}$ 15 .....	50	.....	5 26	.....	5 26	1 24	6 50	65
1	S.W. $\frac{1}{4}$ 15 .....	76	.....	30 12	.....	30 12	6 98	37 10	3 71
1	E. $\frac{1}{2}$ 15 .....	126 $\frac{1}{2}$	.....	42 31	.....	42 31	9 89	52 20	5 22
1	C. 1-5 16 .....	50	.....	28 30	.....	28 30	6 60	34 90	3 49
1	N. 2-5 16 .....	100	.....	49 00	.....	49 00	11 40	60 40	6 04
1	W. $\frac{1}{2}$ S. 2-5 16 .....	50	.....	28 30	.....	28 30	6 60	34 90	3 49
1	E. $\frac{1}{2}$ S. 2-5 16 .....	50	.....	28 89	.....	28 89	6 71	35 60	3 56
1	S. 2-5 17 .....	100	.....	101 28	.....	101 28	23 62	124 90	12 49
1	C. 1-5 17 .....	50	.....	31 30	.....	31 30	7 30	38 60	3 86
1	S. pt. N. 2-5 17 ....	50	.....	10 78	.....	10 78	2 52	13 30	1 33
1	N. 1-5 17 .....	50	.....	8 78	.....	8 78	2 02	10 80	1 08
1	S. 4-5 18 .....	228	.....	79 69	.....	79 69	18 61	98 30	9 83
1	N. 1-5 18 .....	51	.....	24 34	.....	24 34	5 66	30 00	3 00
2	S. $\frac{1}{4}$ 18 .....	50	.....	96	.....	96	24	1 20	12
2	W. $\frac{1}{2}$ 16 .....	98	.....	5 00	.....	5 00	1 20	6 20	62
2	E. $\frac{1}{2}$ 16 .....	100	.....	8 50	.....	8 50	2 00	10 50	1 05
2	W. $\frac{1}{2}$ 17 .....	99	.....	5 00	.....	5 00	1 20	6 20	62
2	E. $\frac{1}{2}$ 17 .....	97 $\frac{1}{2}$	.....	2 50	.....	2 50	60	3 10	31
Roads and lands of municipality .....			306 56	566 14	321 12	559 45	130 35	689 80	68 98
Total .....			20 00	14 48	.....	34 48	8 02	42 50	4 25
Total .....			326 50	580 62	321 12	593 93	138 37	732 30	73 23

And be it further enacted that the sum of \$34.48, the amount assessed against the said roads and lands of the municipality, and for covering interest thereon for ten years at the rate



rate of four per centum per annum, a special rate on the dollar sufficient to produce the required amount therefor, shall over and above all other rates be levied and collected, in the same manner and at the same time as taxes are levied and collected, upon and from the whole rateable property in the said township of Mornington each year for ten years after the final passing of this by-law, during which the said debentures have to run.

And be it further enacted that the reeve of the said township of Mornington may borrow on the credit of the said corporation of the said township of Mornington the sum of (\$593.93) five hundred and ninety-three dollars and ninety-three cents, being said municipality's proportion of the funds necessary for the work, and may issue debentures of the corporation to that amount in sums of not less than \$50 each and payable within ten years from the date thereof, with interest at the rate of four per centum per annum, that is to say, in ten equal, annual payments of principal and interest combined, such debentures to be payable at the office of the Provincial Treasurer, at the Parliament Buildings in the city of Toronto, and to have attached to them coupons for the payment of interest, the same to be payable in ten equal annual sums of principal and interest combined.

This by-law to take effect from and after the passing thereof.

Passed in open council this } (Sgd.) HUGH JACK,  
16th day of December, 1895. } Reeve.

(Sgd.) JOHN WATSON,  
Clerk.

## CHAPTER 85.

## An Act respecting the Municipality of Oliver.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS, the corporation of the municipality of Oliver, has by its petition prayed that its by-law number 51, may be legalized and confirmed, the said municipality having also by its petition represented that the said by-law was duly submitted to its ratepayers entitled to vote thereon at the annual elections for the council of the said municipality held on the 6th day of January, 1896, when the said by-law was adopted by the majority of the ratepayers voting thereon; and whereas the said municipality has also petitioned to be empowered to apply the proceeds of \$1,400 of the debentures to be issued under the said by-law either by way of bonus or by way of loan, to any person building and maintaining within the township of Oliver, a grist mill upon such terms as the said council may deem advisable; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Confirmation  
of by-law No.  
51.

1. The by-law of the said municipality of Oliver number 51 and intituled "A by-law to raise the sum of \$2,000 for the payment of the debt on the town hall and to establish a grist mill in the township of Oliver," and finally passed on the 11th day of January, 1896, after having been adopted by the votes of the ratepayers of the said township, entitled to vote thereon and which by-law is set out in full in schedule A appended to this Act, is hereby confirmed and declared to be a good, valid and subsisting by-law to be binding upon the said corporation of the municipality of Oliver, and also upon the ratepayers and inhabitants of the said municipality and all other persons interested therein and the debentures to be issued thereunder shall be absolutely valid and binding upon the said municipality according to the terms thereof.

2. The council of the municipality of Oliver, shall have the power to apply the proceeds of \$1,400 of the debentures to be issued under the said by-law as they may deem advisable either by way of bonus or by way of loan to any person or corporation establishing and maintaining a grist mill in the township of Oliver, upon such terms and conditions as to the said council may seem advisable.

Provision for application of \$1,400 of debentures.

## SCHEDULE A.

(Township of Oliver.)

BY-LAW No. 51.

A by-law to raise the sum of \$2,000 for the payment of the debt on the town hall and to establish a grist mill in the township of Oliver.

Whereas it is necessary to borrow the sum of six hundred dollars in order to pay the floating debt now existing consequent upon the construction of the municipal town hall in the township of Oliver, and also it is advisable to establish a grist mill in the township of Oliver, and it is necessary to do so to borrow the sum of fourteen hundred dollars for such purposes, and in order thereto it will be necessary to issue debentures of the municipality of the township of Oliver for the sum of two thousand dollars, payable as herein provided;

And whereas, it will be requisite to raise annually during the term of twenty years by special rate to pay the said debt and interest, the sum of \$167.15;

And whereas, the amount of the whole rateable property of the municipality according to the last revised assessment roll amounts to \$92,919;

And whereas, there is no existing debenture debt of this municipality;

Therefore, the municipal council of the Corporation of the Township of Oliver enacts as follows:—

1. It shall be lawful for the reeve and treasurer of the said township for the purposes aforesaid to borrow the said sum of two thousand dollars, and issue debentures of the said municipality to the amount of two thousand dollars, in sums not less than one hundred dollars each, payable at the end of twenty years from the date of which this by-law takes effect and to bear interest at a rate not exceeding five per cent. per annum, payable half-yearly on the first days of January and July in each and every year during the currency of the said debentures.

2. The said debentures as to principal and interest shall be payable at the Ontario Bank, Port Arthur.

3. It shall be lawful for the reeve of the said township and he is hereby authorized and instructed to sign and issue the

said

said debentures hereby authorized to be issued and to cause the same and the interest coupons attached thereto, to be signed by the treasurer of the said township, and the clerk of the said township is hereby authorized and instructed to attach the seal of the said township to the said debentures.

4. There shall be raised and levied annually by special rate on all the rateable property in the said township, the sum of one hundred dollars for the payment of interest during the currency of the said debentures and also the sum of \$67.15 for the payment of the said debt.

5. This by-law shall take effect on the 20th day of January, A. D. 1896.

6. The votes of the ratepayers of the said township shall be taken on this by-law at the following times and places, that is to say, on Monday, the sixth day of January next, at the hour of nine o'clock in the forenoon, continuing until five o'clock in the afternoon of the same day, the said votes to be taken at the town hall, Murillo, in the township of Oliver.

7. On Thursday, the second of January, 1896, the reeve shall attend at the town hall at eleven o'clock in the forenoon to appoint persons to attend at the polling places and at the final summing up of the votes by the clerk respectively on behalf of the persons interested in and promoting or opposing this by-law.

8. The clerk of the council of the said township shall attend at the said town hall at eleven o'clock in the forenoon on Friday, the eleventh day of January, 1896, and sum up the number of votes given for and against the by-law.

Dated at the town hall, Murillo, in the township of Oliver, this eleventh day of January, 1896.

(Sgd.) THOMAS HUGHES,  
Reeve.

(Sgd.) ALLAN SHANKS,  
Clerk.



## CHAPTER 86.

## An Act respecting the City of Ottawa.

*Assented to 7th April, 1896.*

WHEREAS the corporation of the city of Ottawa have by Preamble.  
their petition prayed that authority may be given to  
raise \$40,000 on the security of the lands and premises in the  
said city known as Lansdowne Park, for the purpose of erect-  
ing new buildings and rebuilding buildings already erected on  
the said lands and premises; and whereas the value of the  
said lands and premises known as Lansdowne Park are valued  
at a sum far in excess of the said sum of \$40,000, and the  
security for repayment of the said loan will be ample without  
any rate being imposed for that purpose, and no opposition has  
been raised to the said authority being granted; and whereas  
the said corporation have by their said petition prayed for  
special legislation in regard to several other matters; and  
whereas it is expedient to grant the prayer of the said peti-  
tion;

Therefore Her Majesty by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario  
enacts as follows:—

1. It shall be lawful for the council of the corporation of  
the city of Ottawa to provide by by-law at the expense of the  
general funds of the municipality of the city of Ottawa one-  
third of the cost of the paving as a local improvement of any  
of the following named streets or any portion of them with  
natural or artificial stone or the laying of asphalt pavement  
for the construction of a roadway of a permanent character as  
a local improvement upon any such street or portion of street,  
namely:

City's share of  
certain local  
improvement  
charges.

Bank street, between Maria street and Ann street.

Sparks street, between Bank street and Wellington street, and

William street, between Rideau street and George street.

including the intersections of such streets and to issue from  
time to time debentures for the cost of the same and to pro-  
vide the other two-thirds of the cost of all such permanent

roadways

roadways in the manner provided by the local improvement clauses of *The Consolidated Municipal Act, 1892*.

Power to borrow \$40,000 for erection of buildings in Lansdowne park.

2. The council of the corporation of the city of Ottawa aforesaid is hereby authorized and empowered to raise by way of loan at a rate of interest not exceeding five per cent. per annum from any person or persons, body or bodies corporate, who may be willing to advance the same the sum of \$40,000 for the purpose of erecting new buildings and re-erecting and rebuilding buildings already erected on the lands and premises in the city of Ottawa known as Lansdowne park, and at such rate of interest not exceeding five per cent. per annum as the said council may agree to pay therefor; and for security therefor and interest thereon to grant and mortgage the said lands and premises known as Lansdowne park.

Consent of electors to by-laws not required.

55 V. c. 42.

3. The by-law or by-laws of the said corporation, passed under authority of this Act, shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof, nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1892*, relating to by-laws for creating debts, be complied with.

## CHAPTER 87.

An Act respecting By-Laws Nos. 1458 and 1628  
of the City of Ottawa.*Assented to 7th April, 1896.*

**W**HEREAS, the Pontiac Pacific Junction Railway Com- Preamble.  
pany, hereinafter called "the company," and the municipal corporation of the city of Ottawa, hereinafter called "the corporation," have by their petition prayed that an Act may be passed to ratify, confirm and legalize a by-law of the municipal corporation of the city of Ottawa passed on the third day of December, 1895, intituled "By-law No. 1628 :  
"To extend the time for the compliance by the Pontiac Pacific Junction Railway Company with the conditions contained in  
"a by-law of the municipal corporation of the city of Ottawa,  
"intituled 'By-law No. 1458—A by-law to provide for aiding  
"and assisting the Pontiac Pacific Junction Railway Com-  
"pany by granting to the said company the sum of one  
"hundred and fifty thousand dollars by way of a bonus in  
"debentures of the corporation of the city of Ottawa, and to  
"authorize the levying of a special rate by the said corpora-  
"tion for the payment of the said debentures and interest,"  
and for other purposes ; and whereas, it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said by-law numbered 1628 of the municipal corporation of the city of Ottawa, intituled as in the preamble to this Act is recited, and a true copy of which said by-law is set forth in the schedule "A" to this Act, is hereby declared to be valid, legal and binding upon the said municipal corporation and the ratepayers of the said city to all intents and purposes, although the assent of the ratepayers of the said city has not been obtained thereto, and it is hereby declared and enacted that the said municipal council had, at the time of the passing of said by-law, full power and authority to extend by by-law the periods within which the sum of fifty thousand dollars

By-law No. 1628 extending time for completing Pontiac Pacific Junction Railway confirmed.

referred

referred to in the said by-law was to have been expended by the company on the bridge works mentioned in the said by-law, and within which the said bridge works were to be completed, as in the said by-law mentioned, to the 15th day of December, 1896, and 9th day of September, 1898, respectively, and had also full power and authority at the time of the passing of said by-law to substitute by by-law the other dates, and otherwise to enact as is set forth in the said by-law.

Extension of  
time for con-  
struction of  
bridge works  
by Pontiac  
Junction R.  
W. Co.

2. Notwithstanding anything contained in any Act of the Legislature of the Province of Ontario, or in the said by-law number 1458, set out in schedule "B," or in any other by-law of the city of Ottawa, or in a certain agreement, set out in schedule "C," between the company and the corporation, dated 14th day of December, 1893, respecting said bonus, the period limited in said by-law number 1458 and in said agreement within which the company was to expend upon said bridge works as therein mentioned the sum of fifty thousand dollars, is hereby declared to have been duly extended until the 15th day of December, 1896, and the period limited by said by-law number 1458 and said agreement for the completion of said bridge works is hereby declared to have been duly extended until the 9th day of September, 1898, and any debentures that may be issued pursuant to the said two by-laws, or either of them, and to said agreement are, as provided in said by-law number 1628, to bear date the 8th day of January, 1896, instead of the 8th day of January, 1894, as in said by-law number 1458 and said agreement is provided.

By-law No.  
1458 granting  
aid to com-  
pany con-  
firmed.

3. Subject to the extensions of time and the change of dates in the foregoing section of this Act, and of said by-law number 1628, provided for, the said by-law number 1458 and the said agreement are hereby declared to be in full force and effect and binding to all intents and purposes upon the city and the corporation, and upon all the ratepayers of the said city, and in the same manner and with the same effect as if the said extended periods and substituted dates had been contained in the said by-law number 1458 and the said agreement respectively when they were enacted or entered into respectively, instead of those actually mentioned therein.

Debentures in  
aid of com-  
pany to be  
binding on  
city.

4. It is hereby further declared that any debentures that may be issued by the corporation of the city of Ottawa in pursuance of said by-laws number 1458 and 1628, or either of them, shall be valid, legal and binding upon said corporation, and upon the ratepayers of the said city, notwithstanding anything contained in said agreement or in said by-law number 1458 inconsistent with the provisions of this Act or in any Act of the Legislature of the Province of Ontario.



## SCHEDULE. A.

*(Section 1).*

## BY-LAW No. 1628.

To extend the time for compliance by the Pontiac Pacific Junction Railway Company with the conditions contained in a by-law of the municipal corporation of the city of Ottawa, entitled "By-law No 1458,—A by-law to provide for aiding and assisting the Pontiac Pacific Junction Railway Company by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest"

Whereas by-law No. 1458 of this municipality was passed on the 8th day of January, 1894, providing that the said municipal corporation might grant by way of bonus to the Pontiac Pacific Junction Railway Company toward the construction of its railway between the city of Ottawa and the town of Pembroke \$150,000 in debentures upon the conditions mentioned in said by-law and in an agreement in writing dated 14th December, 1893, made between the said municipality and the said railway company.

And whereas amongst other conditions in said by-law and agreement, or in one or other of them contained, it is provided that said railway company should only be entitled to said bonus and debentures upon the completion of an interprovincial railway and highway bridge including a carriage and footway across the Ottawa river connecting the city of Hull with Nepean Point in the city of Ottawa, with proper approaches thereto on or before the 9th day of July, 1897, to the satisfaction of the engineers mentioned in said by-law; also that the said company should within six months, from 1st January, 1894, submit to the city engineer of the city of Ottawa, and to the chief engineer of railways of the Government of the Dominion of Canada as well as the chief engineers of the Governments of Ontario and Quebec respectively for approval, plans, specifications and designs providing for the erection of the said bridge; also that the said company should and would, on or before the 15th October, 1895, expend the sum of \$50,000 on the actual construction of the said bridge and approaches, and in the supplying the material therefor at the works; also that a strict compliance with the said provisions of said by-law and said agreement should be a condition precedent to the right of said company to said debentures, and that in the event of said company failing to comply with said provisions the said company should become disentitled to said debentures, and said by-law should become null and void, and of no force or effect.

And whereas the said company in order to assist it in raising the necessary capital to construct said bridge applied after the passing of said by-law to the Governments of the Dominion and of the Provinces of Ontario and Quebec for financial aid.

And whereas the Legislature of the Province of Ontario at its last session authorized the payment to the said company of a bonus of \$50,000 on the condition amongst other conditions that the Parliament of Canada would give a bonus of \$150,000.

And whereas the Government of the Dominion of Canada whilst encouraging the company to renew its application at the now next session of Parliament has not yet promised to recommend to Parliament the granting of any subsidy for the said bridge, whilst at the same time it appears that without substantial financial aid from Parliament it will be impractical for some time at least to secure the construction of said bridge.

And whereas it is of the greatest importance to the city of Ottawa that the said bridge should be constructed at the earliest possible date.

And whereas the said railway company has duly complied with the condition above recited as to the submission to the several engineers above mentioned of the plans, specifications and designs above mentioned of said bridge.

And whereas owing to the failure of the company to get assistance last session from the Parliament of Canada the company has been unable to comply with the provision of said by-law and agreement requiring the expenditure of \$50,000 before the 15th day of October last as above recited, and will be unable on or before the 9th day of July, 1897, to complete the said bridge.

And whereas the said company duly applied to the municipal council of the city of Ottawa to have it declared that the said by-law is still in force and to extend the periods respectively limited in said by-law and agreement for making such expenditure of \$50,000 until the 15th day of December, 1896, and for the purpose of completing the said bridge until the 9th day of September, 1898.

And whereas the said municipal council has consented to grant such application in so far as it has the power to do so.

Therefore the municipal council of the city of Ottawa enacts as follows :

Notwithstanding anything contained in said by-law No. 1458 or in the said agreement dated 14th December, 1893, and notwithstanding that the Pontiac Pacific Junction Railway Company has not expended on or before the 15th day of October, 1895, the sum of \$50,000 on the actual construction of said bridge and approaches and the supplying the material therefor at the works, but so far only as this council has power so to do the period limited in said by-law and agreement for the expenditure by said railway company of said sum of \$50,000 for the purpose aforesaid is hereby extended to the 15th day of December, 1896, the period limited in said by-law and agreement for the completion of said bridge works is hereby extended to the 9th day of September, 1898, and the date which the said debentures are to bear is hereby changed from the 8th day of January, 1894, to the 8th day of January, 1896,

and

and subject to such changes of dates and extensions of time the said by-law No. 1458 is hereby declared to be in full force and effect and binding upon the municipality of the city of Ottawa and upon the said company in the same way and to the same extent as if said last mentioned dates had been specified in said by-law and agreement instead of the dates actually specified therein for the said purposes.

Given under the corporate seal of the city of Ottawa, this 3rd day of December, 1895.

JOHN HENDERSON,  
City Clerk.

WM. BORTHWICK,  
Mayor. [SEAL.]

### SCHEDULE B.

(Section 2).

BY-LAW No. 1458.

A by-law to provide for aiding and assisting the Pontiac and Pacific Junction Railway Company, by granting to the said company the sum of one hundred and fifty thousand dollars by way of a bonus in debentures of the corporation of the city of Ottawa, and to authorize the levying of a special rate by the said corporation for the payment of the said debentures and interest.

Whereas, the Pontiac and Pacific Junction Railway Company have made application to the corporation of the city of Ottawa for aiding by way of a bonus towards the construction of their railway leading from the city of Ottawa to the town of Pembroke, in the county of Renfrew, to the amount of the sum of one hundred and fifty thousand dollars, and whereas it is deemed expedient to grant the same.

And, whereas, for such purposes it is necessary for such corporation of the city of Ottawa to issue debentures to the said amount of one hundred and fifty thousand dollars in the manner hereinafter appearing, and to provide for the ultimate payment of the same and the interest thereon:

And whereas, it will require the sum of \$8,676 to be raised annually by a special rate on the whole rateable property of the city of Ottawa, for paying the said sum of one hundred and fifty thousand dollars and interest on the debentures to be issued therefor, of which the sum of \$6,000 will be for such interest, and the sum of \$2,676 for a sinking fund from which to pay the said debentures,

And whereas, the amount of the whole rateable property of the said city of Ottawa, according to the last revised assessment roll is \$18,611,585.

And whereas, the amount of the existing debenture debt of the said corporation of the city of Ottawa is \$2,995,103, exclusive of local improvement debts, secured by special Acts, rates or assessments, and there is no part of the principal or interest thereof in arrear.

Therefore



Therefore the council of the corporation of the city of Ottawa enacts and ordains as follows:

1. That it shall and may be lawful for the corporation of the said city of Ottawa to grant by way of bonus to the Pontiac, Pacific Junction Railway Company towards the construction of their said railway, which lies between the city of Ottawa and Pembroke aforesaid, the sum of one hundred and fifty thousand dollars in debentures of the said corporation.

2. That for the purpose aforesaid, it shall be lawful for the mayor of the said corporation, and he is hereby authorized and empowered to cause any number of debentures of the said corporation of the city of Ottawa to be made, executed and issued to the amount of one hundred and fifty thousand dollars in sums of not less than one hundred dollars each, which said debentures shall be signed by the said mayor of the said corporation for the time being, and countersigned by the treasurer for the time being of the said corporation, and duly sealed with the corporate seal thereof.

3. That the said debentures shall bear date upon and be made payable in thirty years from the day hereinafter appointed for the coming into force of this by-law at the branch or agency of the Quebec Bank, in the city of Ottawa.

4. That the said debentures shall bear interest at and after the rate of four per cent. per annum from the date thereof, and such interest shall be made payable half-yearly, namely, on the eighth day of July and on the eighth day of January in each and every year during the currency of the said debentures at the said branch or agency of the Quebec Bank, at the city of Ottawa, and such debentures shall each have attached thereto coupons for such half-yearly interest.

5. For the purpose of paying the said debt hereby created and the interest on the debentures so to be issued therefor as aforesaid, the sum of \$8,676.00 shall be raised, levied and collected in each year, of and from the whole rateable property of the said city of Ottawa, by an equal special rate in addition to all other rates during the continuance of such debentures, of which the sum of \$6,000.00 shall be for such interest and the sum of \$2,676.00 for a sinking fund, for the ultimate payment of the said debentures.

6. That the said debentures shall be delivered to the said Pontiac, Pacific Junction Railway Company upon and only upon the completion by the said railway company of an interprovincial railway and highway bridge, including a carriage and footway across the Ottawa river, connecting the city of Hull with Nepean Point, in the city of Ottawa, with proper approaches thereto, on or before the ninth day of July, 1897, and then only on the certificate of the chief engineer of railways of the government of the Dominion of Canada, being obtained that the bridge is complete and open for traffic, and the certificate of the city engineer for the time being that such railway and highway bridge, including railway, carriageway and footway portions with proper approaches has been completed



in every respect to his satisfaction and in strict conformity with the terms of this by-law and the agreement hereinafter mentioned, and in accordance with the plans, specifications and designs approved of by the chief engineer of railways of the Government of the Dominion of Canada, and of the chief railway engineers of the Governments of the Provinces of Ontario and Quebec respectively, as mentioned in the agreement hereinafter referred to, or by the deputy minister of railways and canals for Canada, under the terms of the said agreement, the railway portion of which said bridge shall be open to all other railway companies having an entrance into the city of Ottawa, on such terms as may be imposed on such companies by the railway committee of Her Majesty's Privy Council for Canada.

7. That a strict compliance by the railway company with the terms of this by-law and with the terms of an agreement, to be entered into between the said company and the said corporation before the submission of this by-law to the electors shall be a condition precedent to the right of the company to the said debentures or any part thereof.

8. That in the event of the said company failing to comply with the terms of this by-law or with the terms of the said agreement, or otherwise becoming disentitled to any portion of the said debentures, this by-law shall become null and void and of no force and effect.

9. That this by-law shall come into force on the 8th day of January in the year 1894.

10. That the votes of such of the electors of the said city of Ottawa as are by law entitled to vote thereon, shall be taken on this by-law on Monday, the 1st day of January, 1894, commencing at nine o'clock in the morning and continuing until five o'clock in the afternoon at the following places and by the deputy returning officers hereinafter named, that is to say:

#### VICTORIA WARD.

No. 1. All that part of Victoria ward lying north of the centre of Queen street from Pooley's bridge to the city limits. Polling place at the Press house.

No. 2. All that part of Victoria ward lying south of the centre of Queen street and the Ottawa river, north of the Richmond road and west of Pooley's bridge to the western city limits. Polling place at 282 Bridge street.

No. 3. All that part of Victoria ward lying north of the centre of Wellington street, from Dufferin bridge on the east to Pooley's bridge on the west. Polling place at Abbott's house, 389 Wellington street.

No. 4. All that part of Victoria ward lying north of the centre of Sparks street, south of the centre of Wellington street, west of the Rideau canal and east of the centre of Concession street. Polling place at 196 Wellington street.

No.

## DALHOUSIE WARD.

No. 5. Bounded on the north by the Richmond road and Wellington street, on the south by Edward street, Primrose avenue and Maple street, on the west by Preston street, and on the east by Concession street. Polling place at 525 Albert street north.

No. 6. Bounded on the north by Edward street and Primrose avenue, on the south by Emily street up to its intersection with Lisgar street, thence southerly along Lisgar street to its intersection with Louisa street, thence westerly along Louisa street to Division street, on the west by Division street, and on the east by Concession street. Polling place at No. 7 Fire station.

No. 7. Bounded on the north by Emily street up to its intersection with Lisgar street, thence southerly along Lisgar street to its intersection with Louisa street, thence along Louisa street to Division street, on the south by the Rideau canal and Dow's Lake, on the west by Division street and Dow's lake, and on the east by Concession street. Polling place at 385 Bell street.

No. 8. Bounded on the north by the Richmond Road up to its intersection with Preston street, thence southerly along Preston street to its intersection with Maple street, thence along Maple street to Division street, on the south by blocks 126, 125, 124, 123, and Pine street, on the west by the city limits and on the east by Division street. Polling Place at Dickson's house, 90 Preston street.

No. 9. Bounded on the north by blocks 119, 120, 121, 122, and Pine street, on the south by Rideau canal and Dow's lake, on the west by the city limits, and on the east by Division street and Dow's Lake. Polling place at Payne's house, 385 Rochester street.

## WELLINGTON WARD.

No. 10. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the west by the centre of Concession street, and on the east by the centre of Bay street. Polling place at the corner of Bay and Maria streets.

No. 11. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the west by the centre of Bay street and on the east by the centre of Kent street. Polling place at No. 2 Fire station, Lyon street.

No. 12. Bounded on the north by the centre of Sparks street, on the south by the centre of Cooper street, on the west by the centre of Kent street, and on the east by the centre of Bank street. Polling place at 247 Gloucester street.

No. 13. Bounded on the north by the centre of Cooper street, on the south by the southern city limits, on the west by

the centre of Kent street to its intersection with Ann street, thence along the centre of Ann street to Concession street, thence along Concession street to the southern city limits, and on the east by the centre of Bank street. Polling place at 480 Bank street.

#### CENTRAL WARD.

No. 14. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of O'Connor street, and on the west by the centre of Bank street. Polling place at Mill's shop, 188 Albert street.

No. 15. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Metcalfe street, and on the west by the centre of O'Connor street. Polling place at 138 Sparks street.

No. 16. Bounded on the north by the centre of Sparks street, on the south by the centre of Gilmour street, on the east by the centre of Elgin street, and on the west by the centre of Metcalfe street. Polling place at 54 Queen street.

No. 17. Bounded on the north by the centre of Sparks street, on the south by the centre of Ann street, on the east by the Rideau canal and on the west by the centre of Elgin street. Polling place at 129 Elgin street.

No. 18. Bounded on the north by the centre of Gilmour street up to its intersection with Elgin street, thence southerly along the centre of Elgin street to Ann street, thence easterly along the centre of Ann street to the Rideau canal, on the south and east by the Rideau canal, and on the west by the centre of Bank street. Polling place at 312 Ann street.

#### ST. GEORGE'S WARD.

No. 19. Bounded on the north by the centre of George street, on the south by the rear line of lots fronting on the south side of Rideau street, on the east by the centre of Cumberland street, and on the west by the Rideau canal. Polling place at 190 Rideau street.

No. 20. Bounded on the north by the rear line of lots fronting on the north side of Besserer street, on the south by the centre of Theodore street, on the east by the centre of Cumberland street, and on the west by the Rideau canal. Polling place at No. 3 Fire station, Besserer street.

No. 21. Bounded on the north by the rear line of lots fronting on Rideau street north, on the south by the centre of Besserer street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place at 225 Besserer street.

No. 22. Bounded on the north by the centre of Besserer street, on the south by the centre of Stewart street, on the

east

east by the Rideau river, and on the west by the centre of Cumberland street. Polling place at 212 Daly avenue.

No. 23. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the east by the centre of King street, and on the west by the centre of Cumberland street up to its intersection with Theodore street, thence along the centre of Theodore street westerly to the Rideau canal, thence along the east bank of said canal in a southerly direction to the southern limits of the city. Polling place at 18 Theodore street.

No. 24. Bounded on the north by the centre of Stewart street, on the south by the southern city limits, on the east by the Rideau river, and on the west by the centre of King street. Polling place at 333 Friel street

#### BY WARD.

No. 25. Bounded on the south by the centre of George street, on the north by the centre of York street, on the east by the centre of King street, and on the west by the centre of Mackenzie avenue. Polling place at By Ward market hall.

No. 26. Bounded on the south by the centre of York street, on the north by the centre of Clarence street, on the east by the centre of King street, and on the west by the centre of Mackenzie avenue. Polling place at 184½ Clarence street.

No. 27. Bounded on the south by the centre of Clarence street, on the north by the centre of Murray street, on the east by the centre of King street, and on the west by the centre of Mackenzie avenue. Polling place No. 5 Fire station, Cumberland street.

No. 28. Bounded on the south by the centre of Murray street, on the north by the centre of St. Patrick street, on the east by the centre of King street and on the west by Mackenzie avenue. Polling place at 104 Murray street.

No. 29. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the north by the centre of St. Patrick street, on the east by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to the centre of Chapel street, thence northerly along the centre of Chapel street to St. Patrick street, and on the west by the centre of King street. Polling place at 346 Clarence street.

No. 30. Bounded on the south by the rear line of lots fronting on the north side of Rideau street, on the north by the centre of St. Patrick street, on the east by the Rideau river, and on the west by the centre of Friel street up to its intersection with Clarence street, thence easterly along the centre of Clarence street to Chapel street, thence northerly along the centre of Chapel street to St. Patrick street. Polling place at Anglesea square market hall.



## OTTAWA WARD.

No. 31. Bounded on the south by the centre of St. Patrick street, on the north by the rear line of lots fronting on the north side of Church street, on the west by the centre of Sussex street, and the east by the centre of King street. Polling place at Berube's house, 221 Dalhousie street.

No. 32. Bounded on the south by the centre of St. Patrick street, on the north by the centre of St. Andrew street, on the west by the centre of King street, and on the east by the Rideau river. Polling place at Charles Robert's house, 509 St. Patrick street.

No. 33. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street, on the north by the rear line of lots fronting on the north side of Water street, on the west by the government reserve land including lots 1 to 6 both inclusive, on the west side of Sussex street, and on the east by the centre of Cumberland street. Polling place at J. V. Berube's house, 174 Dalhousie street.

No. 34. Bounded on the south by the rear line of lots fronting on the south side of St. Andrew street up to its intersection with King street, thence northerly along the centre of King street to St. Andrew street, thence easterly along the centre of St. Andrew street to the Rideau river, on the north by the centre of Cathcart street, on the west by the centre of Cumberland street, and on the east by the Rideau river. Polling place at C. Rodrigue's house, 247 Water street.

No. 35. Bounded on the south by the rear line of lots fronting on the south side of Cathcart street to its intersection with Cumberland street, thence northerly along the centre of Cumberland street to its intersection with Cathcart street, thence easterly along Cathcart street to the Rideau river, on the north by the centre of Bolton street, on the west by the Ottawa river and on the east by the Rideau river. Polling place at Bingham's Hall.

No. 36. All that part of Ottawa ward lying north of the centre of Bolton street. Polling place at Mrs. Corbett's house, 55 Dalhousie street.

## RIDEAU WARD.

No. 37. All that part of the city of Ottawa lying south of Maple lane and Princess avenue, north of the Rideau river, east of the Ottawa river, and west of Beechwood avenue and Butternut terrace. Polling place at Albert hall.

That

That the following persons be and they are hereby appointed deputy returning officers, to preside at the said polling places respectively :—

Polling place	No. 1	Thomas McCloy.
"	No. 2	J. C. Dalglish.
"	No. 3	James Clarke.
"	No. 4	G. A. Mann.
"	No. 5	John Murphy.
"	No. 6	Rockliffe Ronan.
"	No. 7	George Fowler.
"	No. 8	William Jamieson.
"	No. 9	F. Foss.
"	No. 10	J. H. Salmon.
"	No. 11	Michael O'Neil.
"	No. 12	George <sup>e</sup> Carmen.
"	No. 13	James Hickey.
"	No. 14	H. A. MacIvor.
"	No. 15	Alexander Duff.
"	No. 16	Frank McDougal.
"	No. 17	James H. Thompson.
"	No. 18	Fred Journeaux.
"	No. 19	T. Westwick.
"	No. 20	Geo. Hawkens.
"	No. 21	Jos. Potts.
"	No. 22	Hugh Davies.
"	No. 23	Richard Abbott.
"	No. 24	A. M. Sutherland.
"	No. 25	George W. Seguin.
"	No. 26	Alex. McDonald.
"	No. 27	P. M. Duffy.
"	No. 28	Augustin Lemay.
"	No. 29	George Mainville.
"	No. 30	Thomas Morris.
"	No. 31	P. R. Valiquette.
"	No. 32	J. Z. Foisy.
"	No. 33	N. Berichon.
"	No. 34	L. Alexis Lessard.
"	No. 35	E. Chateauvert.
"	No. 36	Samuel Savage.
"	No. 37	Thomas Tubman.

11. The 28th day of December, 1893, at the city clerk's office, at ten o'clock in the forenoon, is appointed as the time and place for the appointment in writing by the said mayor for the time being of the corporation of the city of Ottawa, of such persons who shall attend at the various polling places and at the final summing up of the votes by the said clerk on behalf of persons interested in and promoting or opposing the passage of this by-law respectively.

12. The third day of January, 1894, at the said city clerk's office in the city of Ottawa, at twelve o'clock noon, is hereby appointed for the summing up by the said clerk of the number of votes given for and against this by-law respectively. First published on the sixth day of December, 1893.

Given under the corporate seal of the said corporation of the city of Ottawa, this eighth day of January, 1894.

Certified,	O. DUROCHER,	[SEAL.]
JOHN HENDERSON,	Mayor.	
City Clerk.		

---

### SCHEDULE C.

(Section 2.)

MEMORANDUM OF AGREEMENT entered into this fourteenth day of December, A. D. 1893, between the Pontiac Pacific Junction Railway Company, hereinafter called the company, of the first part; and the corporation of the city of Ottawa, hereinafter called the Corporation, of the second part.

Whereas the council of the corporation of the city of Ottawa have, subject to the terms of a report of the Finance Committee of the said corporation adopted by the council on the twentieth day of November, A. D., 1893, introduced a by-law, a true copy whereof is hereto annexed, marked, A, and are about to submit the same to the ratepayers of the said city of Ottawa, for granting a bonus to the said company in aid of their railway to the extent of one hundred and fifty thousand dollars, and for the issue of debentures therefor to be handed to the said company pursuant to the terms of the said by-law and of this agreement;

And whereas the said report of the said Finance Committee is in the words and figures following:

*Report No. 25 of the Finance Committee.*

To the council of the corporation of the city of Ottawa :

Gentlemen,—Your committee has carefully considered the letter of H. J. Beemer, Esq., President of the Ottawa and Gatineau Valley and the Pontiac Pacific Railway Companies, asking for a bonus to aid in the construction of an inter-provincial highway and railroad bridge across the Ottawa river at Nepean Point, and also the communication from the Ottawa Board of Trade in support of the same, which were referred by your worshipful body to this committee.

Your

Your committee would recommend that a by-law be submitted to the electors granting to the above railway companies a bonus of one hundred and fifty thousand dollars represented by debentures of the city of Ottawa payable in thirty years with interest at four per cent. per annum payable half-yearly, such debentures to be handed to the company upon the completion of an interprovincial railway and highway bridge, including carriage and footway from the city of Hull to Nepean Point in the city of Ottawa, with proper approaches thereto. That the by-law or an agreement collateral thereto shall embody conditions to the following effect:

1. That the bridge shall be begun and at least \$50,000 expended in the construction thereof within one year from the 1st January, 1894, and that such bridge shall be completed on or before the 9th July, 1897.

2. That it shall comprise suitable approaches on both sides of the river for vehicle and foot passenger traffic and for the accommodation of electric or tramway cars should any company desire to lay their tracks across it.

3. That plans, specifications and designs providing for these objects shall be submitted to the city engineer as representing the city of Ottawa and also to the Government engineers of Canada, Ontario and Quebec, as representing their respective Governments, or the engineers of such of said Governments as shall have granted aid to the said companies within six months from the 1st January, 1894, for approval before the work is begun, and should any difference of opinion arise as to details then the point in dispute shall be decided by the Deputy Minister of Railways and Canals for Canada, but any delay thereby occasioned shall not relieve the companies from the obligation mentioned in clause one of these conditions.

4. The passage across the bridge for vehicles, street railways or tramway cars and foot passengers shall be absolutely and forever free to everyone, and that railway companies shall have the right to have their cars cross the said bridge by payment of one uniform toll, that is to say no discrimination shall be made as between different railway companies.

5. That the bonus shall be represented by debentures of the city of Ottawa as before mentioned and shall be payable only on completion of said bridge before 9th July, 1897, and then only on the certificate of the Government engineer for the Dominion of Canada being obtained that the bridge is complete and open for traffic: and also a certificate of the city engineer for the time being that such bridge, that is highway as well as railway bridge, including carriage and footway with proper approaches, has been completed to his satisfaction and in accordance with the plans, specifications and designs approved of under the third clause of these conditions.



6. That all parts of the stone, steel and ironwork of said bridge shall be permanently (that is forever) maintained and kept in repair by the said railway companies and at their expense and that the planking for carriage, street railway or tramway and foot traffic be maintained and kept in repair by the said railway companies and at their expense for thirty years from the 1st January, 1894.

7. Before such debentures are handed to the said railway companies all then matured interest coupons shall be detached therefrom and retained by the treasurer of the corporation of the city of Ottawa, to be by him duly accounted for.

8. That the companies shall, on or before the first day of December, 1893, deposit with the corporation of the city of Ottawa, the sum of \$1,000, which sum shall be repaid to the companies on the first day of February, 1894, if the by-law is not carried, but if the by-law is carried and the companies shall make default in any of the foregoing conditions the \$1,000 shall be forfeited to the corporation. If the companies shall comply with all the foregoing conditions the \$1,000 shall be repaid to them at the time of handing to them the debentures.

9. That should the companies make default in any of the foregoing conditions the companies shall forfeit all right to the bonus hereby recommended ;

And whereas it was agreed between the said company and the said corporation to execute these presents for the purpose of giving effect to the terms of said report of said committee (as adopted by the council and as modified by this agreement), and the said by-law, and to signify the assent of the said company to the terms thereof as so modified ;

Now This agreement Witnesseth that in consideration of the passing of the said by-law, the said company for itself, its successors and assigns, covenants and agrees with the said corporation and its successors as follows :

The said company shall and will within six months from the first day of January, 1894, submit to the city engineer of the city of Ottawa and to the chief engineer of railways of the Government of the Dominion of Canada, as well as to the chief railway engineers of the Governments of Ontario and Quebec respectively, for approval, plans, specifications and designs providing for the erection of the said bridge, and should any difference arise between the city engineer and the company as to the details of such plans and specifications, the point at issue shall be referred to the Deputy Minister of railways and canals for Canada, and his decision thereon shall be final and binding.

The said company shall and will on or before the fifteenth day of October, A.D., 1895, expend the sum of \$50,000 in the actual construction of the said bridge and approaches, and in the supplying the materials therefor at the works, it being

understood

understood that the term "actual construction" shall not include any outlay or expense incurred by the said company in purchase of right-of-way, making of surveys, soundings, plans, drawings or specifications, or any other preliminary work. And in the event of the said company making default in complying with the terms of this paragraph, all liability of the parties hereto shall cease and determine.

The said company shall permit any street railway company to use the highway portion of the said bridge for street car traffic on such terms to be imposed on such street railway company as the council of the corporation of the city of Ottawa may approve by by-law, but without any liability on the said railway company to lay, maintain or repair tracks or paving for the purposes of any such street railway.

The said company shall erect and maintain such lamps on the highway portion of said bridge as the council of the said corporation of the city of Ottawa may from time to time deem necessary, the said corporation supplying at its own expense the light therefor, as may by the said corporation be deemed expedient.

The said company shall and will in all respects abide by, conform to, and perform all the terms, stipulations and conditions contained in the said by-law and in the said report of the finance committee so adopted as aforesaid and modified by this agreement, and in the event of the said company, its successors or assigns failing after the said debentures have been delivered to the company, to abide by, conform to and perform any of the terms, conditions and stipulations contained in the said by-law or in the said report hereinbefore recited so modified as aforesaid, and in this agreement, the said company shall thereby forfeit and pay to the corporation for each day during which such failure continues the sum of \$100, as liquidated damages therefor and not as a penalty. And in the event of the said corporation neglecting or refusing to deliver to the said company the said debentures as provided by the said by-law, then and in such case the company shall be at liberty to exercise its rights under its charter, and any obligations of the said company hereinbefore mentioned shall cease; but this proviso shall not be construed as releasing the corporation from its obligations contained in this agreement and in the said by-law.

The word "companies" in the said report shall be construed to mean the Pontiac Pacific Junction Railway Company alone, and the sum of one thousand dollars mentioned in the said report shall be paid to the said corporation by the said company on or before the 15th day of December, 1893, subject to the stipulations as to the said one thousand dollars in the said report contained. The interest coupons to be detached as mentioned in said report, are only to be those, if any, accrued before the said company has become entitled to said debentures.

The time for completion of the said bridge to entitle the said company to said debentures shall be on or before the 9th day of July, 1897.

In witness whereof the parties hereto have hereunto caused their respective seals to be affixed under the hands of their proper officers in that behalf, and duly certified.

(Sgd.) H. J. BEEMER,  
President.

[Seal.]

H. L. MALTBY,  
Sec'y-Treasurer.

O. DUROCHER,  
Mayor.

[Seal.]

JOHN HENDERSON,  
City Clerk.

---

## CHAPTER 88.

## An Act respecting the Town of Peterborough.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS, the corporation of the town of Peterborough has by its petition shown that by section 8 of by-law No. 720 of the said corporation passed on the 15th day of August, 1894, with the assent of the electors of the said corporation, it was provided as follows:—"In the event of the sanction of the Legislature being obtained to this provision, it shall not be necessary for the said corporation, unless and until the council thereof shall by by-law otherwise direct, to cause to be levied any sum for sinking fund in respect of the said debentures," and that the trustees of and under the will of the late Mrs. Nicholls have purchased a parcel of land in the village of Ashburnham for the purpose of a park under the said will called and known as the Nicholls' Park, and that it is desirable that the said parcel of land should be incorporated in and added to the town of Peterborough, and that the said trustees have set apart a sum of money for the erection of a building and the purchase of a parcel of land on which to erect the same for the Young Men's Christian Association in the town of Peterborough, on the condition that such land and building, when erected, shall be exempt from taxation, and have prayed that an Act may be passed for the purposes aforesaid; and whereas the said trustees from whom the moneys have been borrowed under said by-law No. 720 are willing that the provisions herein contained may be enacted; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 8 of  
by-law No.  
720 confirmed.

1. The provisions of section 8 of by-law No. 720 of the corporation of the town of Peterborough are hereby sanctioned and confirmed, and it shall not be necessary for the said corporation, unless and until the council thereof shall by by-law otherwise



otherwise direct, to cause to be levied any sum for sinking fund in respect of the debentures in the said by-law referred to; and such debentures may be retired at or after the same shall respectively become due by the issue of new debentures for the like amount, subject to the same provisions as to sinking fund as are herein contained.

2. The parcel of land purchased by the trustees under the will of the late Mrs. Nicholls for the purpose of a park under the said will called and known as the Nicholls' Park, and which parcel is described as follows:—Being composed of all that part of lot number thirty-two in the thirteenth concession of the township of Otonabee (and otherwise known as Block P. in the village of Ashburnham), lying east of the line of railway of the Grand Trunk Railway Company (formerly belonging to the Peterborough and Chemong Lake Railway Company) is hereby incorporated in and added to the town of Peterborough, as part of ward number four.

Nicholls' Park  
added to  
town.

3. The buildings to be erected for the Young Men's Christian Association in the town of Peterborough and the land whereon the same shall be erected shall, so long as the same are occupied by and used for the purposes of the said association, be, and the same are hereby declared to be exempt from taxation.

Exemption of  
Y. M. C. A.  
property from  
taxation.

## CHAPTER 89.

## An Act to incorporate the Village of Port Carling.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS, the inhabitants of the unincorporated village of Port Carling, in the township of Medora, in the district of Muskoka, and that portion of the said township adjoining the said village comprised within the limits hereinafter mentioned have by their petition represented that the said limits contain a population of nearly eight hundred souls which is steadily increasing and that it would greatly promote their progress, interest and prosperity, if the said village and portion of the said township comprised within the limits should be separated from the municipality of the united townships of Medora and Wood and formed into an incorporated village, and they have prayed for such incorporation accordingly; and whereas from the position of the land in said village and for other reasons it has been shown that the area of the said village should extend beyond the limits assigned to incorporated villages by *The Consolidated Municipal Act, 1892*; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Village of  
Port Carling  
incorporated.

1. From and after the passing of this Act the inhabitants of the said incorporated village of Port Carling, and that portion of the township of Medora adjoining the said village and comprised within the limits or boundaries hereinafter set forth and described shall be and they are hereby created a corporation or body politic under the name of "The Corporation of the Village of Port Carling," separate and apart from the said townships of Medora and Wood in which they are situate, and shall have and enjoy all the rights, powers and privileges now enjoyed by or conferred on, or which shall or may hereafter be conferred upon incorporated villages in the Province of Ontario, subject to any exception provided by this Act.

2. The said village of Port Carling is hereby declared to and shall comprise and consist of the lands with the intervening roads, streets and highways within the following limits or boundaries, namely:—Commencing at the intersection of the east boundary of the township of Medora with the north shore of Lake Muskoka, thence northwesterly along the shore of the said lake to the limit between the first and second concessions, thence westerly along said limit to side road allowance between lots numbers twenty-five and twenty-six, thence northerly along said road allowances to its intersection with the water's edge of Lake Rosseau in the fourth concession, thence southeasterly, northwesterly, northeasterly and southeasterly, following the sinuosities of the water's edge of said Lake Rosseau and crossing Indian river to the intersection of the water's edge of Lake Rosseau with the east boundary of the township of Medora, and thence southerly along said boundary to the place of beginning, saving and excepting therefrom lots 31 32 and 33, in the fifth concession, and lots 31, 32 and 33 in the 6th concession of the said township of Medora.

Boundaries of village.

3. On the third Monday in June, 1896, it shall be lawful for William Brady of the said village of Port Carling, who is hereby appointed the returning officer, to hold the nomination for the first election for reeve and councillors at Wallace's hall in the said village at the hour of noon, of which nomination he shall give one week's notice by advertisement in the newspaper published in the said town (or if no newspaper is published therein, then by advertisement in a newspaper published in the town or village nearest thereto,) also by one week's notice posted up in at least three conspicuous places in the said village of such nomination and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman to preside, who shall have all the powers of a returning officer and the polling for the said election if necessary shall be held on the same day of the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place at which such polling shall take place.

Nomination for first election.

4. At the first election the qualification of the electors and of the reeve and councillors for the said village shall be the same as that required in townships, and at all subsequent elections the qualifications of the electors, and of the reeve, councillors and other officers shall be the same as that required in incorporated villages.

Qualification at first and subsequent elections.

5. The township clerk of Medora and Wood shall furnish the said returning officer upon demand made upon him for the same with a certified copy of so much of the last revised assessment roll of the said townships as may be required to ascertain the names of all persons entitled to vote at such first election.

Clerk of townships of Medora and Wood to furnish copy of assessment roll.

First meeting  
of council.

6. The reeve and councillors so to be elected shall hold their first meeting at Wallace's hall in the said village at ten o'clock in the forenoon of the same day of the week next following the polling and if there shall not be any polling on the same day of the week next following the nomination.

Oaths of office  
and qualifica-  
tion.

7. The several persons who shall be elected or appointed under this Act shall take and subscribe the declaration of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in villages.

Time for tak-  
ing assessment  
for 1896.

8. The council of the said village may pass a by-law for taking the assessment of the said village from the first day of January to the thirty-first day of December, 1896, between the fifteenth day of July and the first day of September, 1896. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of September next, then the time for closing the court of revision shall be six weeks from the day to which such time is extended and the final return by the county judge twelve weeks from that day.

Expenses of  
Act.

9. The expenses of and incidental to the obtaining of this Act of every kind, of preparing the necessary papers and of furnishing any documents, papers, writings, deeds, or other matter whatsoever connected therewith or required by the clerk of the said village or otherwise howsoever shall be borne by the said village and paid by it to the person or persons that may be respectively entitled thereto.

Rights and li-  
abilities be-  
tween the vil-  
lage and town-  
ships.

10. The council of the said village shall be entitled to recover from the said municipality of Medora and Wood such share of all moneys on hand, due, owing, or of right collectable by and belonging to the said municipality at, and prior to the said time of incorporation or thereafter if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said village as shown by the assessment roll of the year one thousand eight hundred and ninety-five and six bears to the whole amount of the assessed property of the said municipality; the settlement between the said village and municipality within the meaning of this section to be made within six months from the time this Act shall come into force and in case of disagreement the same shall be determined by arbitration under *The Consolidated Municipal Act, 1892*.

55 V. c. 42.



## CHAPTER 90.

## An Act respecting the Village of Port Perry.

*Assented to 7th April, 1896.*

**W**HEREAS, the corporation of the village of Port Perry, Preamble.  
in the county of Ontario, have by their petition represented that they have incurred debts and liabilities for various purposes to the extent of \$53,000, for which amount debentures have been issued from time to time under the authority of various by-laws; and, whereas the sum of \$10,000 has been paid on account of the said debenture debt; and, whereas the balance of the said debenture debt matures during the year 1896 as follows:—\$20,000 on the first day of May; \$11,000 on the first day of October, and \$12,000 on the fifteenth day of December; and, whereas there is on hand, and available as a sinking fund toward the redemption of the balance of the said debentures, the sum of \$3,000, leaving the sum to be provided for, \$40,000; and whereas the said corporation are unable to redeem the said balance of \$40,000 without making the payment thereof unduly oppressive to the ratepayers; and, whereas the said corporation, by their petition, have prayed that the said debenture debt may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas during the currency of the said outstanding debentures, the said village was devastated by a serious fire wiping out one-half of the assessed value of property in the said village; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by, and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts above mentioned, after applying the sinking fund as aforesaid, are hereby consolidated at the sum of \$40,000, and it shall be lawful for the corporation of the said village of Port Perry to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons or body corporate, a sufficient sum or sums to retire the balance of the said debentures above set out, amounting to \$40,000, as they respectively become due. Debts consolidated at \$40,000.

2. It shall be lawful for the said corporation of the village of Port Perry, from time to time, to pass a by-law or by-laws providing for the issue of debentures under their corporate Issue of debentures for \$40,000

seal

seal signed by the reeve and countersigned by the treasurer for the time being, of the said village, in such sums not exceeding in the whole the sum of \$40,000, as the said corporation may, from time to time, direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be payable at such place or places as the said corporation may deem expedient, and may be expressed in sterling money of Great Britain, or currency of Canada.

Raising money  
on debentures.

3. The corporation of the said village may, for the purposes aforesaid, raise money by way of loan on the said debentures in this Province, or in Great Britain, or elsewhere, or by the sale of the said debentures from time to time, as they may deem expedient.

Payment of  
debentures  
and interest.

4. The said debentures shall be payable in not more than twenty years from the date thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly or half-yearly as the said corporation may direct, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Debt to be  
discharged by  
equal annual  
payments.

5. A portion of the debentures to be issued under this Act shall be made payable each year for a period not exceeding twenty years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

6. The said corporation shall levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for, or provide, any sinking fund to retire the said debentures or any of them.

Application of  
proceeds of  
debentures.

7. The said debentures, and all moneys arising therefrom shall be applied by the said corporation in the redemption of the said debenture debts of the said village of Port Perry, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as The Consolidated Debt Debentures.

Payment of  
outstanding  
debentures.

8. The treasurer of the said corporation may, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any one or more of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore author-

ized

ized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

9. It shall not be necessary to obtain the assent of the electors of the said village of Port Perry for the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

Assent of electors not required.

55 V. c. 42.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

By-laws not to be repealed until debts paid.

11. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members of the said municipal council to procure such treasurer to keep and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sale or negotiation of the said debentures and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said village and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

Treasurer to keep books of account.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the village of Port Perry from any indebtedness or liability which may not be included in the said debt of the said village of Port Perry.

Existing indebtedness not discharged.

13. The debentures issued under this Act may be in the form contained in schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Form of debentures and by-laws.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures, or any of them, authorized to be issued by this Act, or any by-law authorizing the issuing thereof, shall render the same

Inconsistent enactments not to apply

invalid



invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof, and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or as to the application of the proceeds thereof.

Short title.

**15.** This Act may be cited as *The Port Perry Debenture Act, 1896*.

---

## SCHEDULE A.

(Section 13.)

Under and by virtue of *The Port Perry Debenture Act, 1896*, and by virtue of by-law No.      of the corporation of the village of Port Perry, passed under the provisions contained in the said Act, the corporation of the village of Port Perry promise to pay to the bearer at      in the sum of      on the      day of      one thousand      hundred and      and the      yearly coupons attached as the same shall severally become due.

Dated at the village of Port Perry, in the county of Ontario, this      day of      A. D.

---

## SCHEDULE B.

(Section 13.)

By-law No.      to authorize the issue of debentures under the authority of *The Port Perry Debenture Act, 1896*.

Whereas, the said Act authorizes the issue of debentures for the purposes therein mentioned, to be known as "Consolidated Debt Debentures" not exceeding the sum of \$      in the whole as the corporation of the village of Port Perry may in pursuance of, and in conformity with, the provisions of the said Act, direct; and

Whereas, for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$      payable on the      day of      and on the      day of      (or as the case may be) with interest thereon at the rate of      per cent. per annum payable      yearly according to the coupons to the said debentures attached;

And



And whereas, the amount of the whole rateable property of the said village of Port Perry, according to the last revised assessment roll of the said village, being for the year one thousand        hundred and        , was \$

Therefore the municipal council of the corporation of the village of Port Perry enacts as follows:

1. Debentures under the said Act, and for the purpose therein mentioned, to be known as "Consolidated Debt Debentures" to the extent of the sum of \$        are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of        per cent per annum payable        yearly on the        day of        in each year.

This by-law passed in open council this        day of        in the year of our Lord one thousand        hundred and

## CHAPTER 91.

## An Act respecting the Water-Works of the City of St. Catharines.

*Assented to 7th April, 1896.*

Preamble.

**W**HEREAS the water-works commission of the city of St. Catharines have by their petition prayed that an Act may be passed to amend certain Acts of the Legislative Assembly of the Province of Ontario, respecting the water-works of the said city, being the Act passed in the 39th year of Her Majesty's reign chaptered 47, and the Act passed in the 42nd year of Her Majesty's reign chaptered 79, and to define the powers of the commission and certain of its officers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

39 V. c. 47, s.  
8, amended.

**1.** Section 8 of the Act passed in the 39th year of Her Majesty's reign, chaptered 47 is amended by striking out all the words from and including the word "one" in the seventh line of substituted section 16 therein to the end of the said substituted section and substituting therefor the words, "two water commissioners for each ward into which the said city may be divided, and in case at any future time the number of wards of said city shall be increased there shall be but one water commissioner elected for each ward into which the said city may then be divided, who shall be elected and hold office as hereinafter provided, and any vacancy in the number of said commissioners caused by the passing of this Act shall be filled forthwith after the passing thereof."

Election of  
water com-  
missioners.

9 V. c. 47,  
s. 14.

**2.—(1)** Section 14 of the Act passed in the 39th year of Her Majesty's reign, chaptered 47, is amended by striking out all the words from the beginning of said section down to and including the word "require" in the fifth line thereof and substituting therefor the following words: "The treasurer of the city of St. Catharines for the time being shall be treasurer of the

water-works

water-works commission and shall as treasurer of the said commission receive all moneys received or collected by the commission from time to time for water rates and rents and all other moneys of the commission, and shall keep records thereof in a book or books to be furnished to him by the commission for that purpose and deposit the same in a chartered bank in St. Catharines to the credit of the commission on current account or special deposit as directed by the commission and the same shall be withdrawn only on the authority of the commission, and he shall give such security for the due performance of his duties as such treasurer, and shall furnish such statements and returns to the commission as may from time to time be required by the said commission."

Treasurer of  
water-works  
commission.

(2) Provided however that nothing in this section contained shall be held in any way to affect the provisions of section 6 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 70. Proviso.

3. Section 16 of the Act passed in the 39th year of Her Majesty's reign, chaptered 47, is amended by striking out all the words after the word "thing" in the third line thereof down to and inclusive of the word "fouled" in the eleventh line thereof and substituting therefor the following words: "in the source of supply of the reservoir or reservoirs of the said water-works within the limits of the township of Thorold in the county of Welland, or in the Beaver Dam creek, or in any pond, creek, spring, source or fountain from which the water of the said reservoir or reservoirs or Beaver Dam creek or the said water-works is obtained within the limits aforesaid, or shall convey or cast, cause or throw or put any filth, dirt, refuse, rubbish, excrement, dead carcass or other noisome or offensive thing therein or on any ice on or in covering the water of the said pond, creek, spring, source, fountain, source of supply, Beaver Dam creek, reservoir or reservoirs when frozen, or permit or allow any cattle to deposit any excrement therein or thereon within said limits, or cause, permit or suffer the water or contents of any sink, cesspool, privy, sewer or drain to run, percolate or be conveyed into the same or erect or permit any outhouse, privy, cesspool or offensive building or noisome or offensive thing to be or remain nearer than two hundred yards from the edge of the bank of said pond, creek, spring, source, fountain, source of supply, Beaver Dam creek, reservoir or reservoirs within said limits, unless a nearer distance is consented to by the commission, or cause or suffer any other thing to be done or permitted whereby the water therein or flowing thereto may be in any wise tainted or fouled"; and by adding after the word "meet" at the end of the section the following words: "and every day on which the offence is continued shall be deemed a fresh offence whether there has or has not been any conviction in respect thereof. This section shall not be held to prevent cattle or other live stock drinking from any such

39 V. c. 47, s.  
16, amended.

Fouling sour-  
ces of water  
supply.

such creek or pond in its course through farm or other properties within said limits, provided, however, that in case the commission desire to prevent cattle or other live stock on any particular premises or highway within said limits drinking water therefrom, it shall have the right to fence any such creek or pond, and to this end shall be required and shall have power to erect, in a suitable location on said premises or highway, proper and sufficient conveniences by windmill or otherwise for giving an adequate supply of water to cattle and other live stock on the same."

39 V. c. 47,  
s. 16, amended.

4. The said section of the said Act is further amended by adding the following sub-sections thereto.

Power to enter on adjoining lands.

(a) The commission or any one or more of its members or duly authorized officers, shall have power from time to time to enter upon any lands or premises contiguous or adjacent to the said reservoir or reservoirs, Beaver Dam creek, source of supply, pond, creek, source or fountain from which the water of the said reservoir or reservoirs or Beaver Dam creek, or the said water-works is obtained for the purpose of ascertaining whether any of the acts, matters or things hereinbefore mentioned exist or are being done or permitted, and if any such be found to exist or to be done or permitted, then the said commission shall be at liberty to take the summary proceedings hereinbefore provided, and in addition thereto any one or more of its members or authorized officers may enter upon said lands and premises and serve notice upon the person or persons by whose act, default or sufferance the same exists or from which the same arises requiring such person or persons to remove or abate the same within a time to be specified in the notice and to execute such works and do such things as may be necessary for that purpose, and if the said person or persons refuse or neglect to remove or abate the same within the time so specified, the commission may enter upon said lands and premises and remove and abate the same and recover the cost of such removal and abatement from such person or persons as money paid for the use of such person or persons, provided however that in case such Act, default or sufferance arises or is caused by or by reason of any outhouse, privy cesspool or other offensive building, and the commissioners require the same to be removed, the same shall in such cases be removed and set up in as substantial a manner as before removal, in such location beyond the limit hereinbefore mentioned as shall be reasonably required by such person or persons and the commission shall bear and pay all expenses in connection with or incidental to such removal or setting up.

Obstructing officers of commission.

(b) In case the owner, tenant or occupant of any of said lands and premises resists or threatens or obstructs the said commission or any one or more of its members or authorized officers in the exercise of any of the powers hereby conferred upon him or them, he or they may call to his or their assist-

ance



ance all constables and peace officers and such other persons as he or they think fit, and any owner, tenant or occupant who so resists, threatens or obstructs shall be liable to the summary proceedings and penalties hereinbefore set forth.

(c) After the passing of this Act no person or persons, firm or corporation, shall, within the distance of one mile from the bank or edge of the said reservoir or reservoirs, Beaver Dam creek, source of supply, pond, creek, spring, source or fountain, establish or carry on any offensive trade, that is to say, the trade of blood boiling, or bone boiling, or refining of oil, or manufacturing glue, or extracting oil from fish, or tanning of hides, or soap boiling, or tallow melting, or tripe boiling, or slaughtering of animals in a slaughter house, or the manufacture of gas, or any other offensive or noxious trade, business or manufacture, or such as may become offensive without the consent of said commission, from whose decision appeal may be had to the provincial board of health, whose decision shall be final; and if any person or persons, firm or corporation shall establish or carry on the same, such person or persons, firm or corporation, shall be liable to a penalty not exceeding \$250 in respect of the establishment thereof, and any person or persons, firm or corporation carrying on such a business so established shall be liable to a penalty not exceeding \$10 for every day on which after notice to desist given in writing by the said commission, or any officer thereof, the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

Certain trades not to be carried on on adjoining lands.

5. Section 19 of the Act passed in the 39th year of Her Majesty's reign chaptered 47, is amended by adding at the end of said section the following words: "and the commission may locate the position of the said stop-cock and the manner and position in which the pipes furnishing water shall be placed in the building for the purpose of ensuring drainage and preventing freezing so far as possible."

39 V.c.47 s. 19 amended.

Location of stop-cocks and pipes in building.

6. Section 13 of the said last mentioned Act as re-enacted by section 4 of the Act passed in the 42nd year of Her Majesty's reign, chaptered 79, and amended by section 14 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 70, is further amended by adding after the word "where" in the eighth line of the said section as amended the words "and the person to whom" and by striking out the words "for allowing discount for pre-payment and in case of default of payment to enforce the payment by shutting off the water or" in the ninth, tenth and eleventh lines of said new section as amended and substituting therefor the words "for shutting off the water and making and collecting a charge of one dollar for turning the water off and on; such charge to be paid by the owner, tenant or occupant in default in addition to the water rates in arrear; and in cases where the commission deems it necessary in

42 V. c. 79, s. 4, amended.

Collecting rates.

order to prevent any owner, tenant or occupant unlawfully taking or using water, to disconnect the service pipe from the street main, and, in addition thereto, to enforce the payment of the said charge and all water rates in arrear" and by adding the word "tenant" after the word "owner" wherever the word "owner" thereafter appears in said new section.

---

## CHAPTER 92.

## An Act respecting Thistle Street in the Town of Sarnia.

*Assented to 7th April, 1896.*

**W**HEREAS the St. Clair Tunnel Company have by their Preamble. petition represented that it is in the public interest that the street known as Thistle street, in the town of Sarnia, in the county of Lambton, should, in so far as the said street crosses the property of the said company, be closed upon condition that the said company shall pay all such damages as shall be caused by closing the said street; and whereas it is expedient to grant the prayer of the said petition,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That portion of the street known as Thistle street in the town of Sarnia, in the county of Lambton, crossing the excavation made by the St. Clair Tunnel Company for the purpose of the approach to the tunnel of the said company, is hereby closed and declared to be no longer a public road or highway. Part of Thistle street to be closed.

2.—(1) For all damages, including damage to lands Compensation for closing street. injuriously affected by depreciation in value by reason of the closing of said street, compensation shall be made to the owners, and such compensation shall be ascertained and determined under the provisions of *The Railway Act of Ontario*, Rev. Stat., 170. John Alexander MacKenzie, junior judge of the county of Lambton, being named as sole arbitrator (or such other county court judge who may be appointed upon application to the High Court of Justice, or to any judge thereof, on any application occasioned by the death or disqualification of the said John Alexander MacKenzie) and every award of the said judge shall be final.

(2) There shall be included as a head of damage all expenditure made by the Indian Department in building roads and other works which have been made useless by reason of the closing of the said street.

“Owners,”  
meaning of.

3. “Owners” under this Act shall mean any person or corporation, including the corporation of the town of Sarnia and the board of public school trustees for the town of Sarnia, the Superintendent-General of Indian Affairs as trustee for the individual Indians and the Chippewa Band of Indians occupying the Sarnia reservation, and all other persons or corporations who own land and claim that the same has been injuriously affected by the closing of said street.

---



## CHAPTER 93.

## An Act to confirm By-Law No. 46 of the Town of Sudbury.

*Assented to 7th April, 1896.*

**W**HEREAS, the corporation of the town of Sudbury have by Preamble.  
their petition represented that they duly passed a by-law for the construction of a system of water-works in the said town at the estimated cost of \$30,000 and for borrowing the said sum of \$30,000 to pay for the same; but that the said sum has been found insufficient to pay for the same; and the said corporation have further represented that they duly passed a certain other by-law for the purpose of constructing a system of sewerage and electric light in the said town at the estimated cost of \$10,000 and for borrowing the said sum of \$10,000 to pay for the same; but that the said sum of \$10,000 has been found insufficient to pay for the same; and that it will require a further sum of \$10,000 to pay the cost of completing the said system of water-works and the said system of sewerage and electric light; and whereas the said corporation have by their said petition further represented that on the seventeenth day of September, 1895, the council of the said corporation submitted to the ratepayers a certain by-law No. 46, which is set forth as a schedule to this Act, authorizing the borrowing of the sum of \$10,000 for the purpose of paying the liabilities incurred in the construction of the said systems which said by-law was duly carried and was subsequently passed by the said council; and whereas the said by-law is so drawn as to permit any balance of the said moneys after paying the said liabilities to be expended in other necessary works of public improvement in the said town; and whereas, doubts have been expressed as to the power of the said council to so deal with any such balance of the said moneys; and whereas the said corporation have by their said petition prayed that an Act may be passed to confirm and legalize the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

By-law No. 46 for completing water-works, sewerage and electric light systems confirmed.

1. By-law No. 46 of the municipal corporation of the town of Sudbury, set forth in schedule A to this Act, is hereby declared legal, valid and binding upon the said municipal corporation in the same manner and to the same extent as if set out at length and the provisions thereof enacted in this Act, notwithstanding any want of jurisdiction in the said municipality to pass the said by-law, and notwithstanding any defect in substance or in form of the said by-law or in the manner of passing the same.

---

## SCHEDULE A.

### (Section 1.)

#### BY-LAW NO. 46.

A by-law to raise the sum of ten thousand dollars (\$10,000) for the purpose of meeting expenses incurred in the construction of the water-works, sewerage and electric light system in the town of Sudbury, completing the sewerage and electric light systems, and for other purposes.

Whereas By-law No. 32 of the town of Sudbury was passed for the purpose of raising thirty thousand dollars (\$30,000) for the purpose of constructing a system of water-works in the town of Sudbury ;

And whereas By-law No. 33 of the town of Sudbury was passed for the purpose of raising the sum of ten thousand dollars (\$10,000) for the purpose of constructing a system of sewerage and electric light in the said town of Sudbury ;

And whereas it was provided in and by the said by-laws that they should respectively come into effect on the 30th day of December, 1894 ;

And whereas in the construction of the said sewerage and electric light systems the amount raised in the manner provided for in the said by-laws was found insufficient, and for the purposes of paying the liabilities incurred in the construction of the said systems, and to the more perfect the same, it is necessary to raise about the sum of ten thousand dollars (\$10,000) by the issue of debentures of the municipality as hereinafter mentioned ;

And

And whereas it is expedient that the full sum of ten thousand dollars be so raised, and that any balance which may not be required or expended for the purposes above specified should be expended in necessary works of public improvement in said town, such as laying sidewalks, opening streets, or otherwise as may be thought expedient ;

And whereas it is expedient that the said sum of ten thousand dollars be repaid by annual instalments during and within the period of twenty years from the date upon which this by-law takes effect, said instalments to be of such amounts that the aggregate amount payable for principal and interest in any year during said period shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period, and that the debentures of the municipal corporation of the town of Sudbury, be issued for the repayment of said sum and interest in such manner as to carry out the said intent ;

And whereas the annual sum to be raised in each year during the said period of twenty years, in order to discharge in manner aforesaid the several payments of principal and interest accruing due on said debt, as the said instalments and interest become respectively payable is the sum of \$802.47 ;

And whereas the amount of the whole rateable property of this municipality, according to the last revised assessment roll, is the sum of \$329,102 ;

And whereas the amount of the existing debenture debt of this municipality is the sum of \$40,000, of which no part of the principal or interest is in arrear ;

Be it therefore, and it is hereby enacted by the municipal corporation of the town of Sudbury, as follows :—

1. It shall be lawful for the mayor of the town of Sudbury to borrow from any person or persons, body or bodies corporate, the said sum of ten thousand dollars (\$10,000) for the purposes aforesaid, and to issue debentures of the said municipality to secure repayment of the said sum, for the amounts and payable at the times respectively following :—

No. of debentures.	When payable.	Amount.
1.....	29th of Dec., 1896	\$303 43
2.....	" 1897	317 56
3.....	" 1898	333 43
4.....	" 1899	350 11
5.....	" 1900	367 61
6.....	" 1901	385 99
7.....	" 1902	405 29
8.....	" 1903	425 55
9.....	" 1904	446 83
10.....	" 1905	469 17
11.....	" 1906	492 61

No. of debentures.	When payable.	Amount.
12.....	29th of Dec., 1907	517 25
13.....	" 1908	543 10
14.....	" 1909	570 26
15.....	" 1910	598 77
16.....	" 1911	628 71
17.....	" 1912	660 15
18.....	" 1913	693 16
19.....	" 1914	727 81
20.....	" 1915	764 21

2. The said debentures, both as to principal and interest, shall be payable at the agency of the Ontario Bank in Sudbury, and shall be dated the 30th day of December, 1895, and shall have attached to them coupons for the payment of interest, which interest shall be computed at the rate of 5 per cent. per annum from the said date, and shall be payable on the 29th day of December in each and every year during the currency of each debenture.

3. It shall be lawful for the mayor of the said municipality, and he is hereby authorized and instructed to sign and issue the said debentures hereby authorized to be issued, and to cause the same and the interest coupons attached thereto to be signed by the treasurer of the said municipality, and the clerk of the said municipality is hereby authorized to attach the seal of the municipality to the said debentures.

4. For the purpose of paying the said debentures as they respectively become due, and interest on the same during the currency thereof, the sum of \$802.47 shall be annually raised and levied (in the same manner and at the same time as other taxes are levied) by a special rate over and above all other rates upon the whole rateable property in the said town of Sudbury, in each year hereafter for the period of twenty years.

5. This by-law shall take effect on the 30th day of December, 1895.

6. The votes of the electors of the said municipality shall be taken on this by-law on the 17th day of September, 1895, between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon, at the following polling places in the said town of Sudbury:—

Fournier ward, at the Fire Hall;

McCormick ward, Smith & Wolter's office;

Ryan ward, the Court House;

and M. J. Powell, A. W. Wolter, and H. de M. Harvey shall be and they are hereby appointed deputy returning officers to take the said votes at the said polling places respectively.

7. Monday, the 16th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall, in the said town of Sudbury, shall be the time and place when and where persons shall be appointed by the mayor to attend at the respective

polling



polling places, and at the final summing up of the votes by the clerk of the said municipality, on behalf of the persons interested in and promoting or opposing the passage of the by-law respectively.

8. The clerk of the said municipality shall on the 18th day of September, 1895, at the hour of ten o'clock in the forenoon, at the fire hall in the said town of Sudbury, sum up the number of votes given for and against this by-law, and this by-law will be finally considered in council on the 19th day of September, 1895.

Passed this 19th day of September, 1895.

W. C. BIGGER, •  
Mayor.  
ARTHUR FERRIS,  
Clerk.



## CHAPTER 94.

## An Act respecting the Village of Tilbury Centre.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS, the corporation of the village of Tilbury Centre, in the county of Kent, has by petition presented that debts and liabilities for the purposes of building a public school house, waterworks, buying an electric light plant, and making general public improvements have been incurred to the extent of \$16,618.10, for which amount debentures of the said village have been issued from time to time under the authority of various by-laws, and that the said corporation is also indebted to the extent of \$5,787.18, for floating liabilities for the extension of waterworks; and whereas of the said floating debt \$3,600 was authorized for water works extensions by a by-law of the said corporation passed in the month of September, 1895, the assent of the ratepayers having been previously given thereto, and the balance of the said floating debt was incurred in the completion of the electric light plant and in connection with the building of a lock-up and fire hall and in the improvement of the water works system of the said corporation; and whereas the greater amount of these liabilities will become due during the next succeeding five years, and the provisions made for the payment thereof will render taxation unduly oppressive to the ratepayers, the floating debt now being due and payable; and whereas the said corporation by petition has prayed that the said secured and unsecured debts may be consolidated, and that authority may be given to issue debentures for that purpose, and that the name of the said corporation may be changed from the village of Tilbury Centre to the village of Tilbury; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the village of Tilbury Centre are hereby consolidated at the sum of \$22,405.28, and it shall be lawful for the corporation of the said village of Tilbury Centre to raise by way of loan on the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons or body corporate a sufficient sum, or sufficient sums to retire the said debentures amounting to \$16,618.10, as they respectively become due, and to pay off the other debts amounting to \$5,787.18, not exceeding in the whole the said sum of \$22,405.28, exclusive of interest thereon.

Debts consolidated at \$22,405.28.

2. It shall be lawful for the said corporation of the village of Tilbury Centre from time to time to pass a by law or by-laws providing for the issue of debentures under its corporate seal, signed by the reeve and countersigned by the treasurer, for the time being, of the said village, in such sums not less than \$100 each (save as to that portion of the said indebtedness relating to public schools, as to which debentures may be issued for such smaller sums as to the council may seem fit and not exceeding in the whole the sum of \$22,405.28, as the said corporation may from time to time direct, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable either in this Province, or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, as the corporation may deem expedient.

Issue of debentures authorized.

3. The corporation of the said village may for the purpose in section 7 of this Act mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of the said debentures from time to time as they may deem expedient.

Power to raise money on debentures.

4. The said debentures shall be made payable in not more than twenty-five years from the date of issue thereof, as the said corporation may direct. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of the month of December in each and every year at the places mentioned therein, and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Payment of debentures and interest.

5. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty-five years from the date of the issue thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Payment of debentures and interest.

Special rate.

6. The said corporation shall levy in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act to be called "The Consolidated Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of proceeds of debentures.

7. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the debentures of the village of Tilbury Centre to the amount of \$16,618.10 and in the payment of the said debt of \$5,787.18 and in no other manner, and for no other purpose whatsoever.

Public school debenture debt.

8. The corporation in the issue of the said debentures under this Act for the payment of the debts consolidated hereunder shall make a distinction between the public school debenture debt, and all other debts brought under this consolidation, so that the debentures issued hereunder for the purpose of retiring the public school debentures as they become due shall be known as the "Consolidated Public School Debentures," and for the retiring of the other debts hereby consolidated the debentures so issued shall be known as the "Consolidated Debt Debentures" and the rates for the payment of the said consolidated public school debentures shall be levied only on the ratepayers and the taxable property liable for the public schools debenture debt in the said village.

Calling in outstanding debentures.

9. The treasurer of the said village shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them hereby authorized to be issued upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debts paid.

10. Any by-law to be passed under the provisions of this Act shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

Assent of electors not required.

11. It shall not be necessary to obtain the assent of the electors or ratepayers of the said village of Tilbury Centre to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

55 Vic. c. 42.

Books of account to be kept.

12. It shall be the duty of the treasurer of the said village from time to time to keep, and it shall be the duty of each of the members from time to time of the said municipal council



to procure such treasurer to keep, and to see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts payment of which is thereby secured, and the times at which the said debentures shall respectively become due, and payable, and the several amounts which shall from time to time be realized from the sale, or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said corporation and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any of such debentures.

**13.** Nothing in this Act contained shall be held or taken to discharge the corporation of Tilbury Centre from any indebtedness or liability which may not be included in the said debentures to be issued under this Act.

Indebtedness of municipality not discharged.

**14.** The debentures issued under this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws authorizing the same may be in the form of schedule B to this Act.

Form of debenture and by law.

**15.** Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authorizing the issue thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire as to the necessity of passing such by-law or of such issue of debentures, or as to the application of the proceeds thereof.

Inconsistent provisions not to apply.

**16.** The name of the corporation of the said village of Tilbury Centre is hereby changed from that of the village of Tilbury Centre to that of the village of Tilbury, and the name of the said village is hereby declared to be "The Corporation of the Village of Tilbury."

Name of village changed to "Tilbury."

**17.** Nothing in this Act contained shall in any way affect the validity of any by-law of the said corporation of the village of Tilbury Centre, or of any debts, debentures or other obligations

Present property of village vested under new name.

of

of the said corporation, and all rights, powers, debts, duties and obligations of the said corporation of the village of Tilbury Centre shall be vested in, assumed by, and be and remain the rights, powers, debts, duties and obligations of the village of Tilbury.

Short title.

**18.** This Act may be known and cited as "*The Village of Tilbury Debenture Act, 1896.*"

## SCHEDULE A.

(Section 14).

CONSOLIDATED DEBT DEBENTURE (or) CONSOLIDATED PUBLIC  
SCHOOL DEBT DEBENTURE (as the case may be).

Province of Ontario, Village of Tilbury.

Under and by virtue of *The Village of Tilbury Debenture Act, 1896*, and by virtue of by-law No. \_\_\_\_\_ of the corporation of the village of Tilbury, passed under the provisions contained in the said Act, the corporation of the village of Tilbury promise to pay to the bearer at \_\_\_\_\_ in the sum of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ one thousand and \_\_\_\_\_ the yearly coupons for interest thereon hereto attached as the same shall severally become due.

Dated at Tilbury, in the county of Kent, this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. 18 \_\_\_\_\_

A. B.,  
Reeve.  
C. D.,  
Treasurer.

[L.S.]

## SCHEDULE B.

(Section 14).

By-law No. \_\_\_\_\_ to authorize the issue of debentures under the authority of *The Village of Tilbury Debenture Act, 1896*.

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned to be known as "The Consolidated Debt Debentures" or "The Consolidated Public School Debt Debentures" (as the case may be), not exceeding for both classes of debentures the sum of \$22,405.28 in the whole, as the corporation of the village of Tilbury may in pursuance of, and in conformity with, the provisions of the said Act direct

And

And whereas, for the purposes mentioned in the said Act it is necessary and expedient to issue debentures to the extent of \$                      payable on the                      day of                      , and on the                      day of                      (*or as the case may be*), with interest thereon at the rate of                      per cent. per annum, payable yearly, according to the coupons to the said debentures attached, the said debentures to be known as

And whereas the amount of the whole ratable property of the said village of Tilbury, according to the last revised assessment roll of the said village being for the year one thousand                      was \$                      ;

Therefore, the municipal corporation of the village of Tilbury hereby enacts as follows :

1. Debentures under the said Act and for the purpose therein mentioned to be known as                      to the extent of \$                      are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of the interest at the rate of                      per cent. per annum, payable yearly on the first day of                      in each year

This by-law passed in open council this                      day of                      in the year of our Lord one thousand

## CHAPTER 95.

An Act respecting the Liability of the Municipalities of Tilbury North and Tilbury West in respect to Government Drainage Works.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS the corporations of the townships of Tilbury North and Tilbury West have represented that during the years 1875, 1876, 1877 and 1878 certain drainage works were, at a cost of \$28,853, constructed under the provisions of *The Ontario Drainage Act, 1873*, within the territory embraced in both municipalities then in one municipality, known as the township of Tilbury West, and that the said township of Tilbury West, as then constituted, was, in 1891 and by 54 Victoria, chapter 81, divided into two separate municipalities under the names of the municipal corporation of the township of Tilbury North and the municipal corporation of the township of Tilbury West, and that the amount still owing and unpaid of the original cost of constructing said Government drains is \$14,149.06, which sum should be divided between the two separate municipalities and the lands and roads assessed therein for construction, in the same ratio as the lands and roads now embraced within each municipality were called upon to contribute for the cost of the original construction of such drains, and that power should be given to each of the municipalities to pass a by-law to levy upon the lands and roads originally assessed and in the same proportions as originally assessed, its share of the said indebtedness together with interest thereon, and upon the roads originally assessed and in the same proportions as originally assessed one-half the expenses incident thereto and to enable each municipality to raise by means of debentures the sum requisite to pay its share of the liability, including interest and expenses, such debentures to extend over ten years from the date of issuing same.

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the municipal councils of the townships of Tilbury North and Tilbury West respectively to raise by way of loan on the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons or body corporate, a sufficient sum or sufficient sums to pay off and discharge their respective proportions of the indebtedness of the former township of Tilbury West for the construction of Government drainage works, known as Trembley Creek, Big Creek and its branches and Little Creek drains, amounting in all to the sum of \$14,149.06 with interest on such proportions, together with the sum of \$500, to provide for incidental expenses of which each township shall pay one-half and interest thereon.

Power to raise \$14,149.06 by debentures.

2. It shall be lawful for each of the said municipal councils of the townships of Tilbury North and Tilbury West to pass a by-law or by-laws providing for the issue of debentures under the respective corporate seals of said townships, signed by the reeve and countersigned by the treasurer thereof in sums of not less than \$50 each, and not exceeding in the aggregate \$5,602.60, and interest for the township of Tilbury North, and \$9,046.46 and interest for the township of Tilbury West, and payable within ten years from the date of issuing same at such place or places as each municipal council may deem expedient.

By-laws for issue of debentures in each township.

3. A portion of the principal money of said debentures to be issued by each of the said municipal councils under this Act, shall be made payable in each year after the issue of the same for a period not exceeding ten years, so that the aggregate amount payable for principal and interest in any one year under such by-law shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period for which the debentures have to run.

Discharge of debts by annual instalments.

4. Coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable yearly on the first day of January in each and every year after their issue at the places mentioned therein, and in the coupons attached thereto, and such debentures, or any part thereof, may bear interest at any rate not exceeding five per centum per annum.

Payment of interest.

5. Each of the municipalities shall have power to levy, in addition to all other rates to be levied in each year, a special rate sufficient to pay the amount falling due in each year for principal money and interest in respect of the debentures author-

Special rates.

ized

ized to be issued under this Act to be called the "Government Drain Debenture Rate," and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Application of  
proceeds of  
debentures.

6. The said debentures, and all moneys arising therefrom, whether by exchange, sale, pledge or otherwise, shall be applied by each of the said municipal councils in the payment of its proportion of the balance still remaining unpaid for the construction of the said government drainage works and the incidental expenses thereof, and in no other manner, and for no other purposes whatsoever, and such debentures may be known as the "Government Drain Debentures."

By-laws not  
to be repealed  
until debts  
paid.

7. Any by-law to be passed under the provisions of this Act, shall not be repealed until the debt created under such by-laws, and the interest thereon shall be fully paid and satisfied.

Assent of  
electors not  
required.

8. It shall not be necessary that any by-law which shall be passed for the issue of any debentures (the issue of which is authorized by the foregoing provisions of this Act) shall be submitted to the approval of or receive the assent of the rate-payers of the said municipalities or either of them, and it shall be sufficient if any such by-law of the township of Tilbury North be in the form and to the effect as nearly as may be as the by-law set forth in appendix A to this Act, and such by-law of the township of Tilbury West be in the form and to the effect as nearly as may be as the by-law set forth in appendix B to this Act, nor shall it be necessary to publish any such by-law or to hold any Court of Revision upon the assessments thereby levied, but the council of each of said municipalities shall have power to change, alter and amend the descriptions of lands in the said respective by-laws and also to insert the name of the present owner instead of the assessed owner of the year 1879, and to otherwise amend said forms of by-laws as may be required to accurately describe the lands assessed or any sub-division thereof, and to apportion the assessment in every case where a sub-division of the lands as assessed has taken place since such assessment.

57 Vict. c. 56.

Inconsistent  
provisions not  
to apply.

9. Any provisions in the Acts respecting municipal institutions of the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them and the provisions of section 7 of the Act passed in the fifty-fourth year of Her Majesty's reign, chaptered 81, shall not apply to the by-law or by-laws to be passed by either of the said corporations under the provisions of this Act, and no irregularity in the form of the said debentures or any of them authorized to be issued by this Act, or in the by-law or by-laws authoriz-

ing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation of either of said townships, for the recovery of the amount of the said debentures and interest on any or either of them or any part thereof, and the purchaser or holder thereof shall not be bound to enquire or see to the application of the money advanced thereon, or the necessity of passing such by-law or issue of debentures, and all the debentures which shall be issued under the authority of this Act shall be conclusively presumed in favor of the purchaser or holder thereof, to have been lawfully issued.

10. This Act may be cited as *The Tilbury North and Tilbury West Debenture Act, 1896.* Short title.

#### APPENDIX A.

A by-law to provide for the payment of a proportionate part of the balance of the cost of the Government drainage works in the townships of Tilbury North and Tilbury West in the County of Essex, and for borrowing on the credit of the municipality of Tilbury North the sum of \$5,602.60 for the payment of such proportionate part and expenses connected therewith.

Finally passed the       day of       1896.

Whereas, certain drainage works were constructed under the provisions of *The Ontario Drainage Act, 1873*, during the years 1875, 1876, 1877 and 1878, within the municipality then known as the township of Tilbury West in the county of Essex.

And whereas the said township of Tilbury West was, in 1891, divided into two separate municipalities under the names of "The Municipal Corporation of the township of Tilbury North" and "The Municipal Corporation of the township of Tilbury West."

And whereas the amount still owing and unpaid of the original cost for the construction of said Government drainage work is \$14,149.06 which sum the Government of Ontario has agreed to accept in full of the liability of the said townships of Tilbury North and Tilbury West.

And whereas by an agreement between the municipal councils of the said townships the proportion of said sum of \$14,149.06 to be paid by Tilbury North amounts to \$5,352.60 and the proportion to be paid by the township of Tilbury West is \$8,796.46.

And whereas each of the said townships has agreed to pay one-half of the costs incidental to procuring a special Act here-

in

in to be passed by the Local Legislature of the Province of Ontario and passing the by-laws by the two municipalities, amounting in all to the sum of \$500 which will make Tilbury North's proportion inclusive of costs \$5,602.60, and Tilbury West's proportion inclusive of costs \$9,046.46

And whereas the said council of the township of Tilbury North is of opinion that the assessing and levying of said sum of \$5,352.60 and interest upon the lands and roads originally assessed for the construction of such Government drainage works within the limits or under the jurisdiction of said township of Tilbury North by a *pro rata* distribution and that the assessing and levying of the said sum of \$250 and interest thereon upon the roads within the limits and under the jurisdiction of the said township of Tilbury West by a *pro rata* distribution thereon is desirable.

Therefore the municipal council of the said township of Tilbury North in the county of Essex enacts as follows:—

1. That the said agreement between said municipality and the Government of the Province of Ontario and also the agreement with the council of the township of Tilbury West as above set forth be and the same are hereby adopted.

2. That the reeve of the said township of Tilbury North may borrow on the credit of the corporation of the said township of Tilbury North the sum of \$5,602 60 (being said municipality's proportion of the funds necessary to pay the balance still owing for the original construction of said Government drainage works in the former township of Tilbury West, together with its share of the expenses connected therewith as aforesaid) and may issue debentures of the corporation to that amount in sums of not less than \$50 each and payable within ten years from the date thereof with interest at the rate of five per centum per annum, that is to say, in ten equal annual payments of principal money and interest combined, such debentures to be payable at the Merchants Bank in the city of Windsor, and to have attached to them coupons for the payment of interest.

3. For paying the sum of \$3,956.09 the amount charged against the lands and roads in the township of Tilbury North by a *pro rata* distribution according to the original assessment for their proportion of the costs of constructing the Government drains still remaining unpaid, apart from lands and roads belonging to or controlled by the municipality of Tilbury North and for covering interest thereon for ten years at the rate of five per centum per annum, the following total special rates over and above all other rates shall be assessed and levied and collected in the same manner and at the same time as other taxes are levied and collected upon the hereinafter mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts and one such part shall be assessed and levied and collected in the

same



same manner and at the same time as other taxes are levied and collected upon the hereinafter mentioned lots and parts of lots and roads and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of the by-law during which the said debentures have to run.

4. For paying the sum of \$1,646.51 the amount charged against the roads and lands of the municipality by a *pro rata* distribution, according to the original assessment, and for covering interest thereon for ten years at the rate of five per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor, shall, over and above all other rates, be levied and collected in the same manner and at the same time as taxes are levied and collected, upon and over the whole ratable property in the said township of Tilbury North, in each year for ten years after the final passing of this by-law, during which the said debentures have to run.

5. This by-law shall come into force immediately after the final passing thereof, and may be cited as "The Government Drainage Work By-law."

---

The lands and roads hereunder mentioned being benefited by Government Drainage Works and situate in the Township of Tilbury North are assessed for the payment of such township's proportionate share of the cost of construction still remaining unpaid and incidental expenses, the sum set opposite to them respectively.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payments.
1	s half 7	100	.....	\$10 27	\$3 03	\$13 30	\$1 33
1	s half 8	100	.....	10 27	3 03	13 30	1 33
1	s half 9	100	.....	15 40	4 54	19 94	1 99
1	s half 10	100	.....	20 53	6 05	26 58	2 66
1	s half 11	100	.....	20 53	6 05	26 58	2 66
1	s half 12	100	.....	15 39	4 54	19 93	1 99
2	n half n half 7	35	Joseph Sauve	5 64	1 66	7 30	73
2	2nd pt n half 7	10	John Vasseur	1 54	46	2 00	20
2	s pt n half 7	25	Mde. Virginia Laroque	4 11	1 21	5 32	53
2	3rd pt n half 7	25	Urban Vasseur	4 11	1 21	5 32	53
2	mid pt 7	25	Joseph Lefebvre	4 11	1 21	5 32	53
2	2nd pt s half 7	50	Olivier Lefrancois	10 26	3 03	13 29	1 33
2	s pt s half 7	30	Peter Philon	6 15	1 80	7 95	80
2	n half 8	100	George Dupuis	20 52	6 06	26 58	2 66
2	s half 8	100	.....	30 78	9 07	39 85	3 98
2	w half w half 9	50	Leon Renaud	13 34	3 93	17 27	1 73
2	e half w half 9	50	Felix Renaud	13 84	3 93	17 27	1 73
2	e half 9	100	Charles Rondot	26 68	7 86	34 54	3 46
2	w half w half 10	50	Henry Renaud	13 86	4 08	17 94	1 79
2	e half w half 10	50	Dominique Trudel	13 86	4 08	17 94	1 79
2	w half e half 10	50	Anthony Mailloux	20 52	6 06	26 58	2 66
2	e half e half 10	50	Eloi Mailloux	20 52	6 06	26 58	2 66
2	w half 11	100	Paul Benoit	41 04	12 14	53 18	5 32
2	n half e half 11	50	Peter Guerin	10 26	3 03	13 29	1 33
2	w half e half s half 11	25	Gideon Labadie	7 70	2 27	9 97	1 00
2	e half e half s half 11	25	Peter Peltier	7 70	2 27	9 97	1 00
2	nw pt e pt 12	20	Alfred Grenier	3 07	90	3 97	40
2	n pt w half J2	60	Alfred Grenier	9 23	2 73	11 96	1 20
2	w pt w pt 12	40	Adolphus Grenier	8 20	2 42	10 62	1 06
2	e pt 12	80	Joseph Jolie	16 41	4 84	21 25	2 12

## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years	Total.	Annual payments.
3	s half n half s half 7	25	Jean Bat. Labute	\$ 5 13	\$1 52	\$ 6 65	\$0 66
3	s pt n half s half 7	12½	Ernest Vasseure	2 56	75	3 31	33
3	n pt n half s half 7	12½	Joseph Vasseure	2 56	75	3 31	33
3	n pt s half s half 7	30	Philogen Vasseure	6 15	1 82	7 97	80
3	s pt s half s half 7	19	David Vasseure	4 11	1 22	5 33	53
3	s half n half 7	50	Jeremie Demers	10 26	3 03	13 29	1 33
3	n half n half 7	50	Israel Desjardins	10 26	3 03	13 29	1 33
3	s half n half s half 8	25	Ernest Vasseure	7 70	2 27	9 97	1 00
3	n half n half s half 8	25	Joseph Vasseure	7 70	2 27	9 97	1 00
3	n pt s half s half 8	30	Philogen Vasseure	9 24	2 73	11 97	1 20
3	s pt s half s half 8	20	David Vasseure	6 16	1 80	7 96	80
3	w pt n half 8	80	Alfred Vincelette	24 63	7 27	31 90	3 19
3	e pt n half 8	20	Paul Desmarais	6 16	1 80	7 96	79
3	n half 9	100	Hector Vincelette	33 35	9 83	43 18	4 32
3	w half s half 9	50	Paul Garant	16 94	5 00	21 94	2 19
3	w half e half s half 9	25	Francois Garant	8 21	2 42	10 63	1 06
3	e half e half s half 9	25	Benjamin Fauche	8 21	2 42	10 63	1 06
3	w pt 10	75	Louis Gagnier	27 20	8 03	35 23	3 52
3	e half w half n half 10	25	Joseph Gagnier	10 26	3 03	13 29	1 33
3	n quarter e half 10	50	Henry Grenier	18 99	5 60	24 59	2 46
3	w half e half s half 10	25	Francois Vanier	10 26	3 03	13 29	1 33
3	e quarter s half 10	25	James Nassey	10 26	3 03	13 29	1 33
3	w half n half 11	25	Henry Grenier	13 86	4 08	17 94	1 79
3	w half s half 11	25	James Nassey	27 20	8 03	35 23	3 52
3	e half w half n half 11	25	John Hill	13 86	4 08	17 94	1 80
3	w half e half s half 11	25	Mde. Doddin	13 86	4 08	17 94	1 79
3	e half e half s half 11	25	Charles Ladouceur	13 86	4 08	17 94	1 80
3	e half n half 11	50	Joseph Desjardins	27 20	8 03	35 23	3 52
3	n half 12	100	Peter Grenier	31 81	9 39	41 20	4 12
3	n half s half 12	50	Robert Keith, Sr.	17 45	5 15	22 60	2 26
3	s half s half 12	50	Lambert Labadie	17 45	5 15	22 60	2 26
4	pt n half 7	2	Michel Leguille	51	16	67	07

## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payments.
4	pt n half 7 .....	3	Charles Keenan .....	\$0 51	\$0 16	\$0 67	\$0 07
4	n pt n half 7 .....	20	James McCart .....	4 11	1 22	5 33	53
4	s half n half s half 7 .....	25	John Lambert .....	5 13	1 53	6 66	67
4	n half s half s half 7 .....	25	Joseph Diquere .....	5 13	1 53	6 66	67
4	s half s half n half 7 .....	25	Mde. Mary Chretien .....	5 13	1 53	6 66	66
4	n pt s half 7 .....	20	Robert Wightman .....	4 11	1 22	5 33	53
4	s pt s half 7 .....	80	Francois X. Reaume .....	16 43	4 85	21 28	2 13
4	w hal n half 8 .....	50	Robert Wightman .....	15 40	4 55	19 95	2 00
4	w half e half n half 8 .....	25	James Keenan .....	7 70	2 27	9 97	1 00
4	e quarter n half 8 .....	25	Peter J. Oriet .....	7 70	2 27	9 97	1 00
4	s half 8 .....	100	Elie Dupuis .....	30 79	9 03	39 82	3 98
4	w half s half 9 .....	50	Amicette Kenville .....	16 93	5 00	21 93	2 19
4	e half s half 9 .....	50	Isidore Kenville .....	16 93	5 00	21 93	2 19
4	n half 9 .....	100	.....	33 35	9 85	43 20	4 32
4	n half 10 .....	100	Jean Bat. Chretien .....	41 05	12 12	53 17	5 32
4	s half 10 .....	100	.....	41 05	12 12	53 17	5 32
4	n half 11 .....	100	Daniel Stewart .....	56 44	16 66	73 10	7 31
4	s half 11 .....	100	Iouis Trottier .....	56 44	16 66	73 10	7 31
4	n half n half 12 .....	50	Wm. Macklem .....	17 96	5 30	23 26	2 32
4	s half n half 12 .....	50	Alfred Vinter .....	17 96	5 30	23 26	2 32
4	n half s half 12 .....	50	Alfred Vinter .....	17 96	5 30	23 26	2 32
4	s half s half 12 .....	50	Henry Morris .....	17 96	5 30	23 26	2 33
Little Creek Drain : Total on Lands .....				\$1,264 87	\$373 20	\$1,638 07	\$163 80
" " " Roads .....				394 75	116 49	511 24	51 12
" " " Concession roads between Stony Point and Gracey Line .....							



## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed Owner in 1879.	Sum Assessed.	To cover int. 10 years.	Total.	Annual payments.
3	s half 19 .....	100	Hubert Daniel.....	\$25 66	\$7 56	\$33 22	\$3 32
3	n-e quarter 19.....	50	Hiram McDonald.....	7 70	1 27	9 97	1 00
3	w half n half 20.....	25	Paul Thibault.....	4 11	2 22	5 33	53
3	e three-quarters n half 20.....	75	Diondonne Denis.....	12 83	3 80	16 63	1 66
3	w quarter s half 20.....	25	Julien Duquette.....	7 70	2 27	9 97	1 00
3	w half e half s half 20.....	25	Godfroy Tremblay, Jr.....	7 70	2 27	9 97	1 00
3	e half e half s half 20.....	25	Francois Marchand.....	7 70	2 27	9 97	1 00
3	e half w half s half 20.....	25	Peter Marchand.....	7 70	2 27	9 97	1 00
3	w half w half 21.....	50	Camille Lefebvre.....	7 70	2 27	9 97	1 00
3	e half w half 21.....	50	Jean B. Lefebvre.....	7 70	2 27	9 97	1 00
4	n half n half 19.....	50	Alex. Trudel.....	19 50	5 76	25 26	2 52
4	s half n half 19.....	50	Clement Therien.....	19 50	5 76	25 26	2 52
4	s pt 19.....	95	John Jardine.....	36 94	10 91	47 85	4 78
4	w pt n pt 20.....	40	Napoleon Authier.....	25 66	7 56	33 22	3 32
4	n-e pt 20.....	25	Peter Marchand.....	16 42	4 85	21 27	2 12
4	e pt 20.....	66	Moise Verchereau.....	42 59	12 58	55 17	5 51
4	s pt w half 20.....	46	Ozias Regnier.....	29 76	8 79	38 55	3 85
4	n-w cor 21.....	10	Theophile Bissonnette.....	4 11	1 22	5 33	53
4	s-w pt 21.....	60	Simon Lefebvre.....	23 10	6 92	30 02	3 00
4	e pt 21.....	61	Tannisse Tremblay.....	23 60	6 97	30 57	3 05
Mid'le Road North.	w half 19.....	100	Henry Richardson.....	25 66	7 56	33 22	3 32
"	w pt e half 19.....	53	Vital Lefebvre.....	27 20	8 03	35 23	3 52
"	e pt e half 19.....	47	Peter Lanone.....	24 12	7 10	31 22	3 12
"	w pt 20.....	40	Jean Bat. Tremblay.....	25 66	7 54	33 20	3 32
"	e pt w pt 20.....	80	Pierre Tremblay.....	51 31	15 15	66 46	6 64
"	w pt e pt 20.....	40	Ozias Regnier.....	25 66	7 54	33 20	3 32
"	e pt 20.....	40	Godfroy Tremblay.....	25 66	7 58	33 24	3 32
"	n half n half 21.....	50	Louis Brissette.....	19 50	5 76	25 26	2 52
"	s half n half 21.....	50	Joseph Geroux.....	19 50	5 76	25 26	2 52
"	w pt s half 21.....	44	Joseph Geroux.....	16 93	5 00	21 93	2 19

## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed Owner in 1879.	Sum Assessed.	To cover int. 10 years.	Total.	Annual payments.
Mid'le Road North.	w half e half s half 21..	25	Jean Bat. Marchand .....	\$9 75	\$2 85	\$12 60	1 26
"	e half s half 21. ....	25	Moise Champagne.....	9 75	2 85	12 60	1 26
"	w half s half 22 .....	50	Charles Beaugrand.....	12 83	3 77	16 60	1 66
Mid'le Road South.	w half n half 19.....	50	Thomas Atkinson.....	12 83	3 77	16 60	1 66
"	e half n half 19 .....	50	Abraham Geroux .....	25 66	7 56	33 22	3 32
"	w half s half 19 .....	50	Isaie Breault .....	12 83	3 79	16 62	1 66
"	e half s half 19 .....	50	David Duquette .....	25 66	7 56	33 22	3 32
"	w pt s half 20 .....	11	David Duquette .....	8 21	2 42	10 63	1 06
"	n half 20 .....	100	Charles St. Amour .....	76 97	22 70	99 67	9 97
"	Mid pt s half 20 .....	47	Anthony Thibeault.....	35 92	10 60	46 52	4 65
"	s-e pt 20 .....	12	John B. Lefebvre.....	9 24	2 72	11 96	1 20
"	s half s half 20 .....	30	Joseph Geroux .....	23 10	6 90	30 00	3 00
"	e pt w half n half 21 .....	24	Joseph Geroux .....	9 75	2 88	12 63	1 26
"	w quarter n half 21 .....	25	Jean B. Dupras .....	10 26	3 03	13 29	1 33
"	e half n half 21 .....	50	Jean B. Marchand.....	20 52	6 06	26 58	2 67
"	1st pt s half 21 .....	12	Paul Chevalier.....	5 13	1 52	6 65	66
"	2nd pt s half 21 .....	12	Wm. Chevalier .....	5 13	1 52	6 65	66
"	3rd pt s half 21 .....	25	Mde. Salome Labonte .....	10 26	3 03	13 29	1 33
"	e half s half 21 .....	50	Moise Labonte .....	20 52	6 06	26 58	2 66
"	w quarter n half 22 .....	25	Peter Duplessis.....	6 67	1 97	8 64	86
"	e half w half n half 22.....	25	Jean B. Marchand.....	6 67	1 97	8 64	86
"	s half 22 .....	100	George Kerr .....	15 40	4 55	19 95	2 00
6	lot 20 .....	10	Camille Dupras.....	3 59	1 06	4 65	47
6	lot 21 .....	58	Toussaint Provost.....	22 58	6 67	29 25	2 93
6	w pt 22 .....	58	Frank Conduit.....	29 76	8 79	38 55	3 86
7	e pt 22 .....	58	Napoleon Paquette.....	29 76	8 79	38 55	3 86
7	w pt n half 19 .....	48	Camille Bourdeau .....	10 26	3 03	13 29	1 33
7	e half n half 19 .....	50	Maxime Phaneuf .....	11 29	3 31	14 60	1 46
7	n half s half 19 .....	50	Robert McKewan .....	11 29	3 31	14 60	1 46

## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
7	n half s half s half 19	25	Hubert St. Denis	\$5 64	\$1 67	\$7 31	\$
7	s half s half s half 19	25	Hubert St. Denis, Jr.	5 64	1 67	7 31	73
7	w pt n half 20	33½	William Dupras	8 72	2 57	11 29	1 13
7	e pt n half 20	33½	Camille Dupras	8 72	2 57	11 29	1 13
7	Mid pt n half 20	33½	Michel Dupras	8 72	2 57	11 29	1 13
7	s half 20	100	Antoine Thibert	25 66	7 56	33 22	3 32
7	n half 21	100	Maxime Phaneuf	25 66	7 56	33 22	3 32
7	s half 21	100	Non-resident	25 66	7 56	33 22	3 32
7	s half n half of n half 22	25	Napoleon Paquette	6 67	1 97	8 64	86
7	s half n half 22	50	Michel Dupras	12 82	3 78	16 60	1 66
7	n half n half s half 22	25	Francois Phaneuf	6 67	1 97	8 64	86
7	s half n half s half 22	25	Wm. Phaneuf	6 67	1 97	8 64	86
7	s half s half 22	50	Antoine Richard	12 82	3 78	16 60	1 66
7	n half n half n half 22	25	Edward Marchand	6 67	1 97	8 64	86
8	n half n half 19	50	Julien Marchand	7 69	2 27	9 96	1 00
8	n half s half n half 19	25	.....	4 10	1 20	5 30	53
8	s half s half n half 19	25	.....	4 10	1 20	5 30	53
8	w half w half 20	50	Theophile Gabrieau	10 26	3 03	13 29	1 33
8	e half w half 20	50	William Gabrieau	10 26	3 03	13 29	1 33
8	e half 20	100	Camille Robert	20 52	6 05	26 57	2 66
8	w quarter n half 21	25	Jean B. Blair	5 13	1 52	6 65	67
8	e half w half n half 21	25	Peter Blair	5 13	1 52	6 65	67
8	e half n half 21	50	Aristide Blair	10 26	3 03	13 29	1 33
8	22	100	Alex. Cameron	51 32	15 15	66 47	6 65
Tremblay creek drain on lands.....				\$1,385 98	\$409 02	\$1,795 00	\$179 51
3rd and 4th concession road				15 29	4 51	19 80	1 98
North of middle road				15 29	4 51	19 80	1 98
Middle road				20 40	6 03	26 43	2 64
South of middle road				22 95	6 78	29 73	2 97

## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
	6th and 7th concession road			\$10 20	\$3 00	\$13 20	\$1 32
	7th and 8th concession road			20 40	6 02	26 42	2 64
	8th and 9th concession road			4 08	1 20	5 28	53
			Tremblay creek drain on roads.....	\$108 61	\$32 05	\$140 66	\$14 06
4	w pt s half 18 .....	46	Thomas Arnew .....	\$2 05	\$ 61	\$2 66	\$ 27
4	e pt s half 18 .....	48	Edward Tremblay .....	2 05	61	2 66	26
	s pt s half 17 .....	40	Robert Vickerman.....	6 15	1 82	7 97	80
	n pt s half 17 .....	50	Alexander Trudel .....	7 18	2 12	9 30	93
	s pt 16 .....	98	Charles Jackson .....	12 30	3 63	15 93	1 59
	e half s half 15 .....	50	William Latril.....	6 15	1 82	7 97	80
	w half s half 15 .....	50	Adam Moffat .....	6 15	1 82	7 97	80
	e half s half 14 .....	50	Robert Thomas .....	4 10	1 22	5 32	53
	w half s half 14 .....	50	Christopher Stratford .....	4 10	1 22	5 32	53
	s half s half 13 .....	50	John Stratford .....	4 10	1 22	5 32	53
	n half s half 13 .....	50	Elizabeth Manning .....	3 08	91	3 99	40
Middle Road North	w pt n half 16 .....	46	James F. Falls .....	9 23	2 73	11 96	1 19
"	e pt n half 16 .....	47	John Manning.....	9 23	2 73	11 96	1 19
"	w pt s half 16 .....	46	John Cornwall .....	2 05	61	2 66	27
"	e pt s half 16 .....	50	Thomas Cornwall .....	2 05	61	2 66	27
"	w pt n half 17 .....	40	John Manning .....	8 21	2 43	10 64	1 06
"	e pt n half 17 .....	60	Robert Vickerman.....	12 30	3 63	15 93	1 59
"	s half 17 .....	100	Alex. Ross .....	2 56	76	3 32	33
"	n half n half 18 .....	50	James Dodd .....	2 05	61	2 66	27
"	s half n half 18 .....	50	Richard G. Dodd .....	2 05	61	2 66	27
"	s pt 18 .....	95	Desire Daigneau.....	2 56	76	3 32	33



## TILBURY NORTH.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int., 10 years.	Total.	Annual payment.
Mid'le Road South.	n half 16.	100	Wm. Cornwall.	13 34	3 93	17 27	1 74
"	s half 16	100	James Wiley	17 96	5 30	23 26	2 33
"	w quarter 17	50	Mde. Esther Trottier	5 13	1 52	6 65	66
"	middle part 17	120	Augustine Damphousse	10 26	3 03	13 29	1 33
"	e pt 17	30	George Tisdale	6 15	1 82	7 97	80
"	w pt 18	74	George Tisdale	7 18	2 12	9 30	93
"	e pt 18	126	David Henderson	8 21	2 41	10 62	1 06
7	n half 16	100	Non-resident	63 62	18 78	82 40	8 24
7	w half s half 16	50	Nathaniel Hillman	38 48	11 36	49 84	4 98
7	e pt s half 16	50	Robert Wilson	38 48	11 36	49 84	4 98
7	w half e half n half 17	25	Jean B. Bourdeau	22 58	6 67	29 25	2 92
7	e half e half n half 17	25	Henry Hornsberger	7 69	2 27	9 96	1 00
7	s half 17	100	Francois St. Denis	7 69	2 27	9 96	1 00
7	s part w half 18	40	George Hillman	61 57	18 17	79 74	7 97
7	s half e half 18	50	Henry Atkinson	6 15	1 82	7 97	80
7	n pt 18	110	Thomas Atkinson	4 10	1 22	5 32	53
8	lot 16.	200	Canada Company	13 34	3 93	17 27	1 73
8	n half 17	100	Austin Milliken	128 27	37 85	166 12	16 61
8	s half 17	100	Canada Company	76 96	22 71	99 67	9 97
8	n three-quarter n half 18.	75	Joseph Duquette	64 14	18 93	83 07	8 31
8	middle pt 18	50	Cyprian Breault	46 18	13 63	59 81	5 98
8	s half n half s half 18	25	Henry Duquette	31 81	9 39	41 20	4 12
8	n half s half s half 18	25	Napoleon Duquette	16 42	4 85	21 27	2 13
8	s quarter s half 18	25	M. St. Denis	12 83	3 77	16 60	1 66
8	n half s half s half 19	25	Joseph Phaneuf	12 83	3 77	16 60	1 66
8	n half s half s half 19	25	Hubert St. Denis, jr	15 40	4 55	19 95	2 00
8	s half s half s half 19	25	David Duquette	15 40	4 55	19 95	2 00
8	s half n half s half 19	25	Augustine Breault	10 26	3 03	13 29	1 33
9	n pt n half 18	34	Alexander Cloutier	6 15	1 83	7 98	80
9	n half n half s half 18	25	Pierre Cloutier	8 21	2 42	10 63	1 06



## APPENDIX B.

A By-law to provide for the payment of a proportionate part of the balance of the costs of the Government Drainage Works in the township of Tilbury North and Tilbury West, in the County of Essex, and for borrowing on the credit of the municipality of Tilbury West the sum of \$9,046.46 for the payment of such proportionate part and expenses connected therewith.

Finally passed the                      day of                      A. D. 1896.

Whereas, certain drainage works were constructed under the provisions of *The Ontario Drainage Act, 1873*, during the years 1875, 1876, 1877 and 1878, within the municipality then known as the township of Tilbury West, in the county of Essex.

And whereas the said township of Tilbury West was, in 1891, divided into two separate municipalities under the names of "The Municipal Corporation of the Township of Tilbury North" and "The Municipal Corporation of the Township of Tilbury West."

And whereas the amount still owing and unpaid of the original cost for the construction of said government drainage works is \$14,149.06, which sum the Government of Ontario has agreed to accept in full of the liability of the said townships of Tilbury North and Tilbury West,

And whereas by an agreement between the municipal councils of the said townships the proportion of said sum of \$14,149.06 to be paid by Tilbury North amounts to \$5,352.60 and the proportion to be paid by the township of Tilbury West is \$8,796.46.

And whereas each of the said townships has agreed to pay one-half of the costs incidental to procuring a special Act herein to be passed by the local Legislature of the Province of Ontario and passing the by-laws by the two municipalities, amounting to the sum of \$500, which will make Tilbury North's proportion, inclusive of costs, \$5,602.60, and Tilbury West's proportion, inclusive of costs, \$9,046.46.

And whereas the said council of the township of Tilbury West is of opinion that the assessing and levying of said sum of \$8,706.46 and interest upon the lands and roads originally assessed for the construction of such government drainage works within the limit or under the jurisdiction of said township of Tilbury West by a *pro rata* distribution, and that the assessing and levying of the said sum of \$250 and interest thereon upon the roads within the limits and under the jurisdiction of the said township of Tilbury West by a *pro rata* distribution thereof is desirable.

Therefore

Therefore the municipal Council of the said township of Tilbury West, in the county of Essex, enacts as follows:—

1. That the said agreement between said municipality and the Government of the Province of Ontario, and also the agreement with the council of the township of Tilbury North, as above set forth, be and the same are hereby adopted,

2. That the reeve of the said township of Tilbury West may borrow on the credit of the corporation of the said township of Tilbury West the sum of \$9,046.46 (being said municipality's proportion of the funds necessary to pay the balance still owing for the original construction of said government drainage works in the former township of Tilbury West, together with its share of the expenses connected therewith as aforesaid) and may issue debentures of the corporation to that amount in sums of not less than \$50 each, and payable within ten years from the date thereof with interest at the rate of five per centum per annum, that is to say, in ten equal annual payments of principal money and interest combined, such debentures to be payable at the Merchants' Bank, in the city of Windsor, and to have attached to them coupons for the payment of interest.

3. For paying the sum of \$7,530.85, the amount charged against the lands and roads in the township of Tilbury West, by a *pro rata* distribution according to the original assessment for their proportion of the costs of constructing the Government drains still remaining unpaid, apart from lands and roads belonging to or controlled by the municipality of Tilbury West and for covering interest thereon for ten years at the rate of five per centum per annum, the following total special rates over and above all other rates shall be assessed and levied and collected in the same manner and at the same time as other taxes are levied and collected, upon the hereinafter mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively, shall be divided into ten equal parts, and one such part shall be assessed and levied and collected in the same manner and at the same time as other taxes are levied and collected upon the hereinafter mentioned lots and parts of lots and roads, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts, and one such part shall be assessed, levied and collected, as aforesaid, in each year for ten years after the final passing of the by-law during which the said debentures have to run.



4. For paying the sum of \$1,515 61, the amount charged against the roads and lands in the municipality by a *pro rata* distribution, according to the original assessment, and for covering interest thereon for ten years at the rate of five per centum per annum a special rate on the dollar sufficient to produce the required yearly amount therefor, shall, over and above all other rates be levied and collected in the same manner and at the same time as taxes are levied and collected, upon and over the whole ratable property in the said township of Tilbury West in each year for ten years after the final passing of this by-law during which the said debentures have to run.

5. This by-law shall come into force immediately after the final passing thereof, and may be cited as "The Government Drainage Work By-Law."

The lands and roads hereunder mentioned being benefited by Government Drainage Works, and situate in the Township of Tilbury West, are assessed for the payment of such township's proportionate share of the cost of construction still remaining unpaid and incidental expenses, the sum set opposite to them respectively.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payments.
5	n pt 7	75	Joseph Lalonde	\$15 13	\$4 47	\$19 60	\$1 96
5	s pt n half 7	25	Constant Carrière	5 04	1 49	6 53	65
5	s pt 7	98	John Caza	19 68	5 81	25 49	2 55
5	pt 8	164	Steven Seburn	50 43	14 88	65 31	6 53
5	s-w cor 8	4	George Elliott	1 00	29	1 29	13
5	go-e 9	115	R. C. Taylor	37 82	11 17	48 99	4 90
5	gore 10	63	do	26 22	7 73	33 95	3 39
5	gore 11	13	do	7 56	2 23	9 79	98
RN	n pt 7	81	William Elliott	16 55	4 88	21 43	2 14
"	w pt s half 8	59	Christian Frankforth	15 14	4 47	19 61	1 96
"	e pt s half 8	48	Henry R. Brown	15 14	4 47	19 61	1 96
"	n pt 8	98	John J. Frankforth	30 28	8 93	39 21	3 92
"	w pt s half 9	24	do	8 07	2 38	10 45	1 05
"	e pt s half 9	71	James Cranston	23 21	6 85	30 06	3 01
"	n half 9	100	Edward Michell	32 78	9 67	42 45	4 24
"	w pt s half 10	43	do	17 65	5 21	22 86	2 29
"	e pt s half 10	48	Jarvis Cranston	19 67	5 83	25 50	2 55
"	s-e cor 10	5	Bartholeny Lefebvre	2 02	60	2 62	26
"	e pt n half 10	50	George Morris, jr	20 17	5 95	26 12	2 61
"	w pt n half 10	50	do	20 17	5 95	26 12	2 61
"	n half 11	100	John Morris	53 48	16 37	71 85	7 19
"	s pt 11	96	Edward Jackson	53 46	15 78	69 24	6 93
"	n half 12	100	Henry Morris	35 30	10 41	45 71	4 58
"	s pt 12	95	Mde. Mary Gracey	33 79	9 97	43 76	4 38
M SR	e half n half 8	50	Samuel Jackson	10 09	2 97	13 06	1 30
"	e half s half 8	50	Alfred Halliday	10 09	2 97	13 06	1 30
"	w half 9	100	Peter Elliott, jr	32 78	9 67	42 45	4 25
"	e half 9	100	Peter Elliott, sr	32 78	9 67	42 45	4 25
"	w half 10	100	Benj. Roadhouse	40 35	11 91	52 26	5 22
"	e half 10	100	George Wilson	40 35	11 91	52 26	5 22

## TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payments.
M	w quarter n half 11.....	25	James Pearson .....	\$14 12	\$4 16	\$18 28	\$1 83
"	e three-quarters n half 11	75	Thomas McLaren .....	41 86	12 35	54 21	5 42
"	s half 11 .....	100	George Pool.....	55 48	16 87	71 85	7 19
"	s half .....	99	William Allen.....	35 30	10 42	45 72	4 58
"	s half 12 .....	100	Charles Lickman.....	35 30	10 42	45 72	4 57
7	lot 9 .....	80	Alex. Cameron .....	30 26	8 93	39 19	3 91
7	s half 1C .....	100	William Brown .....	40 35	11 90	52 25	5 22
7	n pt 10 .....	30	do .....	12 61	3 73	16 34	1 63
			Lands of Canada Southern Railway Co., pts lots 7 to 12 .....	100 88	29 77	130 65	13 06
				1,094 36	322 94	1,417 30	141 72
			Little Creek drain on Roads between Stoney point and Gracey line .....	364 38	107 53	471 91	47 19
	Tremblay Creek drain on roads .....			14 13	4 17	18 30	1 83
	Line 3 and 4 con .....			14 13	4 17	18 30	1 83
	" n of middle road lots			18 83	5 55	24 38	2 44
	" of M. R. lots.....			21 18	6 25	27 43	2 74
	" of S. M. R. lots .....			9 42	2 78	12 20	1 22
	" 6 and 7 con .....			18 83	5 55	24 38	2 44
	" 7 and 8 " .....			3 77	1 12	4 89	49
	" 8 and 9 " .....			\$100 29	\$29 59	\$129 88	\$12 99
M	n half 13.....	99	Mark Johnson.....	\$8 07	\$2 38	\$10 45	\$1 05
R	s half 13 .....	96	Richard E. Dodson.....	8 07	2 38	10 45	1 05
N	w pt n half 14 .....	28	John Campbell .....	3 03	89	3 92	39
TILBURY	e pt n half 14 .....	67	Frederick Schultz.....	6 05	1 79	8 84	79

## TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payments.
MRN	s half 14 .....	100	Albert Nickleson .....	\$8 07	\$2 38	\$10 45	\$1 05
"	w pt n half 15 .....	47	Thomas Jackson .....	5 04	1 48	6 52	65
"	e pt n half 15 .....	47	James Kingswell .....	5 04	1 48	6 52	65
"	w half s half 15 .....	50	Thomas Peel .....	5 04	1 48	6 52	65
"	e half s half 15 .....	50	Albert Peel .....	16 14	4 77	20 91	2 09
MRS	e half n half 13 .....	50	William Dodson .....	6 05	1 79	7 84	78
"	w half s half 13 .....	50	George Tucker .....	6 05	1 79	7 84	78
"	w half n half 13 .....	50	George Tucker .....	6 05	1 79	7 84	78
"	e half s half 13 .....	50	Thos Tully .....	6 05	1 79	7 84	78
"	n three-quarters 14 .....	150	William Holmes, Sen. ....	18 16	5 36	23 52	2 35
"	s half s half 14 .....	50	Gilbert Keith .....	8 06	2 38	10 44	1 04
"	w pt n half 15 .....	49	James Peel .....	12 61	3 73	16 34	1 63
"	e half n half 15 .....	50	Robert Peel .....	20 17	5 95	26 12	2 61
"	s half 15 .....	100	Alex Cameron .....	30 26	8 93	39 19	3 92
7	s half 15 .....	100	Samuel Palmer .....	75 67	22 33	98 00	9 80
8	n half 15 .....	100	Non resident .....	75 67	22 33	98 00	9 80
8	w quarter n half 15 .....	25	Pierre Plouffe .....	5 04	1 48	6 52	65
8	e half n half 15 .....	50	William Colter .....	9 08	2 68	11 76	1 18
8	s half 15 .....	100	Joseph C. Smith .....	21 18	6 25	27 43	2 74
8	e half w half n half 15 .....	25	Moise Champagne .....	6 05	1 79	7 84	78
10	s half n half n half 18 .....	25	Pierre Brousseau .....	6 05	1 79	7 84	78
10	n half n half n half 18 .....	25	Martial Phaneuf .....	6 05	1 79	7 84	78
10	s half n half 18 .....	50	Laughlin Maloy .....	12 61	3 72	16 33	1 63
10	s half 18 .....	100	Alex. Cameron .....	25 22	7 44	32 66	3 27
10	s half n half n half 19 .....	25	F. X. Gauthier .....	7 56	2 23	9 79	98
10	s half n half 19 .....	50	Cyprien Duquette .....	12 61	3 73	16 34	1 63
10	s half s half s half 19 .....	25	Edward Marchand .....	6 05	1 79	7 84	78
10	s half s half 19 .....	50	Denis Gabriaux .....	12 10	3 56	15 66	1 57
10	n half n half n half 19 .....	25	Hubert St. Denis .....	6 05	1 79	7 84	79
10	n quarter s half 19 .....	25	.....	6 05	1 79	7 84	79
10	lot 20 .....	84	.....	18 15	5 36	23 51	2 35
11	n half w half 18 .....	50	Andrew Buchanan .....	9 08	2 67	11 75	1 18



TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
11	s half w half 18	50	Thos. Buchanan	\$9 08	\$2 67	\$11 75	\$1 18
11	e half 18	100	Charles Hugill	18 15	5 35	23 50	2 35
11	w half 19	100	James Bell	18 15	5 36	23 51	2 35
11	e half 19	100	David Bell	18 15	5 36	23 51	2 35
11	n half 20	44	John Bowls	7 56	2 23	9 79	98
11	s half 20	44	Hugh Latimer	7 56	2 23	9 79	98
7	lot 11	184	Non-resident	139 21	41 08	180 29	18 03
7	w half 12	100	Non-resident	75 67	22 33	98 00	9 80
7	e half 12	100	John McKay	75 67	22 33	98 00	9 80
7	lot 13	200	John McDowell	151 33	44 66	195 99	19 60
7	n half 14	100	do	75 67	22 33	98 00	9 80
7	s half 14	100	Paul Lishman	75 67	22 33	98 00	9 80
8	lot 4	20	Wm. Halligan	8 07	2 38	10 45	1 04
8	lot 5	72	do	40 35	11 91	52 26	5 23
8	n pt 6	74	Ernest Heiser	44 89	13 23	58 12	5 81
8	s pt 6	50	Mahlon Lambert	30 26	8 93	39 19	3 92
8	n pt 7	77	Adam Harkness	50 43	14 88	65 31	6 53
8	n half n half s half 7	25	James McQueen	16 64	4 90	21 54	2 15
8	s half n half s half 7	25	Ed. McQueen	16 64	4 90	21 54	2 15
8	s half s half 7	50	Robert McQueen	33 28	9 83	43 11	4 31
8	w pt n half 8	50	Esau Hillman	33 28	9 83	43 11	4 31
8	e half n half 8	50	John Mathice	33 28	9 83	43 11	4 31
8	w half s half 8	50	John Pendergast	33 28	9 83	43 11	4 31
8	e half s half 8	50	do	33 28	9 83	43 11	4 31
8	lot 9	200	Canada Co	141 22	41 67	182 89	18 29
8	lot 10	200	do	151 33	44 66	195 99	19 60
8	n half 11	100	H. Barnett	63 04	18 60	81 64	8 17
8	s half 11	100	Wells	63 04	18 60	81 64	8 16
8	n half n half 12	50	Jonathan Storey	12 61	3 73	16 34	1 64
8	s half n half 12	50	Robert Keith	12 61	3 73	16 34	1 64
8	s half 12	100	Herman Petit	25 22	7 44	32 66	3 27
8	n half w half n half 13	25	R. P. Thornton	5 04	1 48	6 52	65

## TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
8	s half w half n half 13	25	Charles Thornton	\$5 04	\$1 48	\$6 52	\$ 65
8	e half n half 13	50	Reuben Thornton	10 08	2 96	13 04	1 30
8	s half 13	100	J. Jardine	20 17	5 95	26 12	2 61
8	w half w half 14	50	Onesime Dusseault	7 56	2 23	9 79	98
8	e half w half 14	50	Moise Dusseault	7 56	2 23	9 79	98
8	w half e half 14	50	Aristide Marchand	7 56	2 23	9 79	98
8	e half e half 14	50	Joseph Thibert	7 56	2 23	9 79	98
9	n pt 4	98	John Turnbull	67 58	19 94	87 52	8 75
9	s half 4	100	Hugh Lindsay	67 58	19 94	87 52	8 75
9	n half 5	100	Canada Co.	67 58	19 94	87 52	8 75
9	s half 5	100	H. Walker	67 58	19 94	87 52	8 75
9	w pt 6	145	Wm. Mann	97 85	28 87	126 72	12 67
9	e pt 6	55	Wm. Buchanan	37 32	11 02	48 34	4 84
9	n half n half 7	50	David Logan	35 30	10 42	45 72	4 57
9	s half n half 7	50	John Logan	35 30	10 42	45 72	4 57
9	n half s half 7	50	David Prendergast	35 30	10 42	45 72	4 57
9	s half s half 7	50	Wm. Prendergast	35 30	10 42	45 72	4 57
9	n half 8	100	Wm. Brien	70 10	20 63	90 78	9 08
9	s half 8	100	Street estate	70 10	20 68	90 78	9 08
9	e half n half 9	50	Foreman Lambie	35 30	10 42	45 72	4 57
9	w half n half 9	50	John W. Daly	35 30	10 42	45 72	4 57
9	w half s half 9	50	Dorlan Pearsol	35 30	10 42	45 72	4 57
9	e half s half 9	50	Oliver Pearsol	35 30	10 42	45 72	4 57
9	lot 10	200	David Shanks	150 30	44 35	194 65	19 47
9	lot 11	200	Canada Co.	103 90	30 66	134 56	13 46
9	lot 12	200	Alex. Cameron	50 43	14 88	65 31	6 53
9	lot 13	200	John Mellow	40 35	11 91	52 26	5 23
9	w half 14	100	S. Smith	15 13	4 47	19 60	1 96
9	e half 14	100	Non-resident	15 13	4 47	19 60	1 96
9	lot 15	200	Alfred Pearson	30 26	8 93	39 19	3 92
10	lot 4	200	Alex. Cameron	133 15	39 29	172 44	17 24
	lot 5	200	J. B. Henderson	133 15	39 29	172 44	17 24

## TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
10	n half s half n half 6 . . . . .	25	Francis Beno . . . . .	\$16 14	\$ 4 77	\$20 91	\$ 2 09
10	n half n half 6 . . . . .	50	Josiah Vanidour . . . . .	33 29	9 83	43 12	4 31
10	s half s half n half 6 . . . . .	24	Wm. Tisdale . . . . .	15 62	4 61	20 24	2 02
10	s half 6 . . . . .	100	H. Foster . . . . .	66 57	19 64	86 21	8 62
10	w half 7 . . . . .	100	Jacob Edmunds . . . . .	66 57	19 64	86 21	8 62
10	n half e half 7 . . . . .	50	John Dutot, sr . . . . .	33 79	9 97	43 76	4 38
10	s half e half 7 . . . . .	50	John N. Dutot, jr . . . . .	33 79	9 97	43 76	4 38
10	n half w half 8 . . . . .	50	Peter Nicolle . . . . .	34 80	10 27	45 07	4 51
10	s half w half 8 . . . . .	50	James Dutot . . . . .	34 80	10 27	45 07	4 51
10	e half 8 . . . . .	100	James Prendergast . . . . .	69 10	20 39	89 49	8 95
10	lot 9 . . . . .	200	Canada Co. . . . .	148 28	43 75	192 03	19 20
10	w half 10 . . . . .	100	Thomas White . . . . .	74 14	21 88	96 02	9 60
10	n half e half 10 . . . . .	50	Henry White . . . . .	37 32	11 01	48 33	4 83
10	s half e half 10 . . . . .	50	Wm. Lindsay . . . . .	37 32	11 01	48 33	4 83
10	s half 11 . . . . .	100	Andrew Douglas . . . . .	79 18	23 36	102 54	10 25
10	n half 11 . . . . .	100	Joseph Robertson . . . . .	79 18	23 36	102 54	10 25
10	n half n half 12 . . . . .	50	Richard Parish . . . . .	16 14	4 78	20 92	2 09
10	s half n half 12 . . . . .	50	David Strang . . . . .	12 61	3 73	16 34	1 63
10	s half 12 . . . . .	100	Wm. Trequaire . . . . .	25 22	7 44	32 66	3 27
10	lot 13 . . . . .	200	D. C. Thompson . . . . .	50 43	14 88	65 31	6 53
10	s half 14 . . . . .	100	John Trequaire . . . . .	15 13	4 48	19 61	1 96
10	n half 14 . . . . .	100	Alex. Ross . . . . .	15 13	4 48	19 61	1 96
10	lot 15 . . . . .	200	D. C. Thompson . . . . .	40 35	11 91	52 26	5 23
10	lot 16 . . . . .	200	Canada Co . . . . .	50 43	14 88	65 31	6 53
10	e half n half 17 . . . . .	50	Robert McKeon, jr . . . . .	6 05	1 79	7 84	7 79
10	w half n half 17 . . . . .	50	Andrew Keith . . . . .	6 05	1 79	7 84	7 79
10	s half 17 . . . . .	100	James Vandon . . . . .	12 61	3 73	16 34	1 63
11	w half 4 . . . . .	100	Ralph Foster . . . . .	68 10	20 09	88 19	8 82
11	e half 4 . . . . .	100	Wm. Wales . . . . .	68 10	20 09	88 19	8 82
11	lot 5 . . . . .	200	Canada Co . . . . .	136 20	40 18	176 38	17 64
11	lot 6 . . . . .	200	R. Selkirk . . . . .	136 20	40 18	176 38	17 64
11	w half 7 . . . . .	100	James Vanhorn . . . . .	68 10	20 09	88 19	8 82

## TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owner in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
11	s half 7 .....	100	Mde. Ruth Kenyon .....	\$68 10	\$20 09	\$83 19	\$ 8 82
11	n half n half 8 .....	50	George Robertson .....	34 30	10 12	44 42	4 44
11	s half 8 .....	100	Wm. Vanhorne .....	68 10	20 09	88 19	8 82
11	s half n half 8 .....	50	Wm. H. Kinsman .....	34 30	10 12	44 42	4 44
11	n half w half 9 .....	50	Jeptha Foreman .....	34 30	10 12	44 42	4 44
11	s half w half 9 .....	50	Daniel Kinsman .....	34 30	10 12	44 42	4 44
11	e half 9 .....	100	Richard Kinsman .....	68 59	20 24	88 83	8 88
11	s w quarter 10 .....	50	Wm. Ward .....	7 56	2 23	9 79	1 10
11	s e quarter 10 .....	50	N. R. ....	8 57	2 43	11 00	1 10
11	n half 10 .....	100	Alex. Cameron .....	73 14	21 48	94 62	9 46
11	lot 11 .....	200	Canada Co .....	46 40	13 69	60 09	6 01
11	w half 12 .....	100	Wm. Hanna .....	17 65	5 22	22 87	2 29
11	e half 12 .....	100	Joseph Robinson .....	17 65	5 22	22 87	2 29
11	s half 13 .....	100	Wm. Rice .....	17 65	5 22	22 87	2 29
11	n half 13 .....	100	Matthew Prendergast .....	17 65	5 22	22 87	2 29
11	w half 14 .....	100	William Reid .....	15 13	4 48	19 61	1 96
11	e half 14 .....	100	James Latimer .....	15 13	4 48	19 61	1 96
11	w half 15 .....	100	Francis Thompson .....	15 13	4 48	19 61	1 96
11	e half 15 .....	100	John Thompson .....	15 13	4 48	19 61	1 96
11	w half s half 16 .....	50	George Taylor .....	10 08	2 97	13 05	1 30
11	e half s half 16 .....	50	Robert McIntosh .....	10 08	2 98	13 06	1 31
11	w half n half 16 .....	50	Alex. Rock .....	10 08	2 98	13 06	1 31
11	e half n half 16 .....	50	N. R. ....	10 08	2 98	13 06	1 31
11	lot 17 .....	200	Alex. Cameron .....	32 78	9 67	42 45	4 24
7	lot 8 .....	27	Wm. H. Bright .....	13 61	4 02	17 63	1 76
7	lot 9 .....	80	Alex. Cameron .....	40 35	11 92	52 27	5 23
7	n pt 10 .....	30	N. R. ....	15 13	4 48	19 61	1 96
7	s half 10 .....	100	Wm. Brown .....	50 43	14 88	65 31	6 53
MRS	n pt w pt 5 .....	60	John Buchanan .....	24 21	7 14	31 35	3 13
"	s pt w pt 5 .....	50	George Buchanan .....	20 17	5 95	26 12	2 61
"	n pt e pt 5 .....	45	Augustus Buchanan .....	18 15	5 35	23 50	2 35
"	s half e pt 5 .....	45	Wm. Buchanan .....	18 15	5 35	23 50	2 35



TILBURY WEST.—Continued.

Con.	Lot.	Acres.	Assessed owners in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
M R S	n pt w pt 6	49	James Whatley	\$24 71	\$7 39	\$32 10	\$3 21
"	s pt w half 6	50	Mark Whatley	25 22	7 44	32 66	3 27
"	e pt 6	99	Wm. Gall	63 04	18 60	81 64	8 16
"	s half and e pt n half 7	110	Duncan McAllister	68 09	20 09	88 18	8 82
"	mde pt n half 7	44	John V. Campbell	22 19	6 55	28 74	2 87
"	e pt n pt 7	45	Wm. Barnard	22 70	6 70	29 40	2 94
"	w half n half 8.	50	Samuel Jackson	15 13	4 47	19 60	1 96
"	w half s half 8.	50	Alfred Halliday	15 13	4 47	19 60	1 96
M R N	s half 5.	100	John Finnee	30 26	8 94	39 20	3 92
"	n pt 5	95	John Appleyard	18 66	5 50	24 16	2 42
"	s half 6	97	Samuel Taylor	30 26	8 92	39 18	3 92
"	n pt 6.	52	John Taylor	8 57	2 53	11 10	1 11
"	s pt n half 6.	40	John Ainslie	10 08	2 97	13 05	1 31
"	s half 7	99	Thomas Jackson	30 26	8 94	39 20	3 92
				\$6,436 49	\$1,899 40	\$8,335 89	\$833 57
ON ROADS, FOR BIG CREEK DRAIN AND BRANCHES.							
Con. 4 and 5, lots 12 to 13				\$4 70	\$1 39	\$6 09	\$ 61
Middle road, lots 12 to 18				9 40	2 77	12 17	1 22
Line south of Middle road, 12 to 18				9 40	2 77	12 17	1 22

TILBURY WEST.—*Concluded.*

Lot.	Acres.	Assessed owners in 1879.	Sum assessed.	To cover int. 10 years.	Total.	Annual payment.
Line 7 and 8 con., lots 7 to 18.....	.....	.....	\$176 54	\$52 06	\$228 60	\$22 86
Line 8 and 9 con., lots 3 to 20.....	.....	.....	235 38	69 46	304 84	30 48
Line 9 and 10 con., lots 3 to Romney line .....	.....	.....	326 20	96 22	422 42	42 24
Line 10 and 11 con., lots 3 to Romney line .....	.....	.....	211 88	62 52	274 40	27 44
Line Tilbury and Mersea town line, \$210—half belonging to Mersea. ....	.....	.....	24 72	7 38	32 10	3 21
12 and 13 sideroad, 4 miles .....	.....	.....	52 72	15 57	68 29	6 83
			\$1,050 94	\$310 14	\$1,361 08	\$136 11
		Total assessment on lands.....	\$7,530 85	\$2,222 34	\$9,753 19	\$975 29
		Total assessment on roads.....	1,515 61	447 29	1,962 87	196 29
			\$9,046 46	\$2,669 63	\$11,716 06	\$1,171 58

## CHAPTER 96.

## An Act respecting the City of Toronto.

*Assented to 7th April, 1896.*

**W**HEREAS the corporation of the city of Toronto has by Preamble.  
 its petition prayed for special legislation in respect to  
 the several matters herein set forth ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
 of the Legislative Assembly of the Province of Ontario, enacts  
 as follows :—

1. The corporation of the city of Toronto may include in Appropriation  
for meeting of  
British  
Association.  
 its estimates for the year 1896 a sum not exceeding \$5,000,  
 or part thereof, in the estimates for the year 1896 and  
 the balance in the estimates for the year 1897, such money to  
 be applied toward the expenses incurred or to be incurred in  
 connection with the coming meeting of the British Association  
 for the Advancement of Science, to be held in the city of  
 Toronto in the year 1897.

2. The corporation of the said city may from time to time Aid to J. T.  
Johnston in  
action against  
Gas Co.  
 grant moneys to assist one J. T. Johnston in defraying the  
 costs of an action brought by him against the Consumers' Gas  
 Company of Toronto, to compel (amongst other things) the  
 said company to invest its funds, as directed by the Act passed  
 by the Legislature of Ontario in the 50th year of Her Majes-  
 ty's reign, and chaptered 85, and to recoup him for moneys  
 already necessarily expended by him for costs in the prosecu-  
 tion of such action. Provided always that upon the said  
 corporation, by resolution of the city council to be hereafter Proviso.  
 passed, granting any such sums of money, to so assist the said  
 J. T. Johnston, the said corporation shall thereupon become  
 liable to pay the said company any costs in the said action  
 which may be finally ordered therein to be paid by the said  
 plaintiffs to the said defendant company, and which costs  
 may be recovered after the said final judgment from the said  
 corporation by the said company in any court of competent  
 jurisdiction in this Province.

3. The council of the said corporation may, without sub- Power to  
issue debentures to  
\$200,000 for  
completion of  
court house.  
 mitting the same to the ratepayers qualified to vote on money  
 by-laws

by-laws, pass such by-laws as may from time to time be necessary to authorize an issue of "City of Toronto Consolidated Loan Debentures" to such amount, not exceeding \$200,000, as may be necessary for the purpose of completing the court house and city hall buildings, and may issue any number of debentures, payable in this Province or elsewhere, in sums of not less than \$100 each, which may be requisite and necessary therefor; which debentures may be payable any time within forty years from the respective dates thereof, with interest thereon in the meantime at a rate not exceeding four per cent. per annum, payable half-yearly, and for the purpose of redeeming the said debentures and paying the interest thereon the council of the said corporation may in any by-law or by-laws to be passed authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, impose a special rate per annum upon all rateable real and personal property within the said municipality over and above and in addition to all other rates to be levied in each year, which shall be sufficient over and above the interest payable on such debentures to form a sinking fund to pay off the said debentures at maturity, or the said corporation may, if necessary, borrow money in advance from banks or other corporations or persons, to pay its share of the cost of completing the court house and city hall buildings, and then issue debentures for the actual cost of said completion not exceeding the said sum of \$200,000 to repay said advances.

Agreement  
with C. P. R.  
Co. confirmed.

4. A certain agreement made on the 4th day of February, 1895, between the corporation of the city of Toronto and the Canadian Pacific Railway Company, respecting the York street overhead traffic bridge, and which is printed as Schedule "A" hereto, is hereby validated and confirmed, and the said parties thereto are hereby declared to have and to have had power to do all acts necessary to give effect to the same. If the said corporation shall from time to time advance to the said company under the said agreement, any moneys on account of the construction of the said bridge, which the Grand Trunk Railway Company of Canada may or might eventually be declared liable to pay under the Esplanade Agreement, the fact of the same having been advanced by the said corporation without the Grand Trunk Railway Company requesting the corporation so to do, shall in no way prevent the Grand Trunk Railway Company from being eventually declared liable to pay the amount or amounts so advanced, and the said Grand Trunk Railway Company shall, notwithstanding the said agreement and advance, remain and be liable to pay towards the cost of of said bridge such proportion, if any, as it might have been found liable for under the special case provided for in the Esplanade Agreement, if the said agreement of the 4th of February, 1895, and said advances had not been so made; and the said the corporation of the city of Toronto shall be entitled



to recover the said moneys from the Grand Trunk Railway Company to the extent of such liability by action or otherwise. Nothing, however, in this section contained shall in any way interfere with any pending litigation, but the same shall be considered and determined as if this section had not been passed; provided further that nothing herein contained shall in any way prejudice or affect the rights of the Grand Trunk Railway Company of Canada under the said Esplanade Agreement.

5. The by-laws of the corporation of the city of Toronto specified in Schedule "B" hereto, and all debentures issued or to be issued thereunder, and all assessments made or to be made for payment thereof, are hereby validated and confirmed.

By-laws for  
local improve-  
ments con-  
firmed.

6. Nothing in this Act shall prejudice or affect the question of costs in the case of *Jarvis v The City of Toronto*.

Act not to  
affect *Jarvis*  
*v Toronto*.

## SCHEDULE A.

Agreement made this fourth day of February, one thousand eight hundred and ninety-five, between the Corporation of the City of Toronto hereinafter called "the City," of the one part, and the Canadian Pacific Railway Company, hereinafter called "the Company," of the other part.

The said parties do mutually agree, and each of them agrees with the other its successors and assigns, as follows, that is to say :

1. As soon as is reasonably practicable after the plans and specifications of the overhead traffic bridge mentioned in clause seven of the agreement known as "the Esplanade Agreement" are approved as therein provided for, the company will commence the construction of the said bridge, and if the city punctually provide one-half of the cost thereof as hereinafter mentioned, the Company will proceed with and complete the said bridge without any delay which can be reasonably avoided, finding as the work progresses the other half of the said cost.

2. The city will on demand from time to time, as the said construction progresses, pay to the company one-half of the cost thereof, including compensation for property and costs incidental thereto, as provided for in clause eight of the said agreement, so that the company shall not be at any time called upon to advance more than an equal moiety of the said cost, the amount required from time to time to meet the cost of constructing said bridge being established temporarily by the certificate of the engineer of the company appointed for that purpose. At the conclusion of the said construction the said account, if desired by either of the parties hereto, to be taken and adjusted by the judge of the county of York, who may require from the city and the company all evidence required for his satisfaction, and decide the amount disbursed and contributed by each.

3. In the event of the decision of the dispute between the city and the Grand Trunk Railway Company, mentioned in the said clause eight, being that the Grand Trunk Railway Company is liable to contribute any portion of the said cost, then the city shall reimburse to the said company whatever sum the company shall have paid out under the above arrangement, over and above the proportion which the company is under the terms of the said clause found liable to contribute, and interest thereon at five per cent. per annum.

4. And the city undertakes to use all practicable despatch in having the dispute referred to in clause eight settled so as to define the amount or proportion of the liability, if any, of the Grand Trunk Railway Company as to contribution in respect to the York street bridge.

In witness whereof the said parties have hereunto affixed their corporate seals and their officers namely; Thomas G. Shaughnessy, vice-president and Charles Drinkwater, secretary of the Canadian Pacific Railway Company and Warring Kennedy Mayor, and Richard Theodore Coady treasurer of the City of Toronto have hereunto set their hands the year and day hereinbefore mentioned.

WARRING KENNEDY,

Mayor.

R. T. COADY,

Treasurer.

{ Seal,  
City of Toronto. }

THE CANADIAN PACIFIC RAILWAY COMPANY,

T. G. SHAUGHNESSY,

Vice-President.

C. DRINKWATER,

Secretary.

{ Seal,  
The Canadian  
Pacific Railway  
Co. }

Signed, sealed and  
delivered in the  
presence of

{ RICHARD MCINTYRE,  
As to signatures of Warring  
Kennedy and Richard Theo-  
dore Coady.  
E. S. BARTLETT,  
As to signature of Thomas G.  
Shaughnessy and Charles  
Drinkwater.

## SCHEDULE B.

LIST OF BY-LAWS providing for the issue of debentures passed by the Council of the Corporation of the City of Toronto at the respective dates set opposite each, the particulars of which are set out below.

Number.	Nature of work under by-law.	When passed.	Amount of debt created.	To be borne by the city.	To be borne by the rate-payers.	Period of payments.	Rate of interest, per cent.
3316	Roadway on Centre road, Crescent road and South Drive, amending by-laws Nos. 3249 and 3250 and to amend by-law No. 3232 .....	April 16th, 1895. ....	\$ c. 11,302 71	\$ c. .....	\$ c. 11,302 71	4	4
3318	Sewer on Preston avenue between Northumberland street and Dupont street.....	April 29th, 1895.....	3,689 16	.....	3,689 16	10	4
3319	Sewer on Arondale road between the end of the sewer as it existed on the 21st day of September, 1892, and a point one hundred feet east of Rosedale road .....	" .....	388 40	.....	388 40	5	4
3320	Sewer on Sylvan avenue between Dufferin street and its end .....	" .....	1,284 04	.....	1,284 04	5	4
3321	Roadway on Cecil street between Beverley street and Spadina avenue .....	" .....	7,974 75	" .....	7,974 75	10	4
3322	Roadway on Adelaide street between Yonge street and Church street .....	" .....	11,365 69	.....	11,365 69	10	4
3323	Roadway on Wellesley street between Sherbourne street and Parliament street.....	" .....	11,244 00	.....	11,244 00	10	4
3324	Roadway on Bloor street between Dufferin street and Lansdowne avenue .....	" .....	5,230 80	.....	5,230 80	7	4



## SCHEDULE B.—Continued.

	Nature of work under by-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments.	Rate of interest, per cent.
			\$	c.	\$	c.	\$	c.		
3325	Roadway on Roseberry avenue between Bathurst street and its east terminus .....	April 29th, 1895. ....	627	75	.....		627	75	5	4
3326	Roadway on Massey street between King street and Queen street .....	" .....	2,439	13	.....		2,439	13	3	4
3327	Roadway on Pine Hill road between Rosedale road and its western terminus .....	" .....	510	99	.....		510	99	5	4
3328	Grading of Palmerston avenue between College street and Bloor street .....	" .....	557	69	.....		557	69	5	4
3329	Concrete sidewalk on the south side of Wellesley street between Church street and Jarvis street. ....	" .....	728	66	.....		728	66	10	4
3330	Concrete sidewalk on the south side of Carlton street between Sherbourne street and Seaton street .....	" .....	440	00	.....		440	00	10	4
3331	Concrete sidewalk on south side of Front street between Simcoe street and a point 50 feet easterly. ....	" .....	149	58	.....		149	58	5	4
3332	Concrete sidewalk on the east side of Sherbourne street between Queen street and Mrs. McCormack's property, opposite Shuter street .....	" .....	639	10	.....		639	10	8	4
3333	Concrete sidewalk on the north side of Queen street between Dundas street and Dovercourt road .....	" .....	2,290	59	.....		2,290	59	10	4
3334	Sidewalks on 60 several streets .....	" .....	10,521	48	.....		10,521	48	2	4

SCHEDULE B.—*Concluded.*

Number.	Nature of work under by-law.	When passed.	Amount of debt created.		To be borne by the city.		To be borne by the rate-payers.		Period of payments.	Rate of interest per cent.
			\$	c.	\$	c.	\$	c.		
3337	Roadway on Sorauren avenue between the south side of Columbus avenue and Dundas street .....	May 27th, 1895 .....	629	06	.....	.....	629	06	9 years.	4
3338	Consolidating broken amounts in several local improvement by-laws .....	" .....	60,710	87	.....	.....	60,710	87	various	4
3339	Consolidating City's share of the amounts mentioned in several local improvement by-laws .....	" .....	18,657	72	.....	.....	.....	.....	"	4
3343	Sewer on the first lane north of Elm street between Terauley street and the eastern terminus of such lane, to amend by-law No. 3275 .....	June 10th, 1895 .....	141	88	.....	.....	141	88	3	4
3344	Consolidated loan debentures for Public Schools .....	June 24th, 1895 .....	61,500	00	61,500	00	.....	.....	34	3½
3345	Consolidated loan debentures for High Schools .....	" .....	10,000	00	10,000	00	.....	.....	34	3½
3347	Roadway on Wellesley street between Sherbourne street and Parliament street, to amend by-laws Nos. 3323 and 3339 .....	" .....	11,244	00	.....	.....	11,244	00	10	4

## CHAPTER 97.

## An Act to consolidate the Floating Debt of the Town of Trenton.

*Assented to 7th April, 1896.*

WHEREAS the corporation of the town of Trenton by Preamble.  
 their petition have represented that debts and liabilities have been incurred for improving and repairing the powerhouse at the dam, and for providing power-wheels and plant for the purpose of generating electricity for creating light and power, and for other permanent improvements therein, the said expenditures being in excess of an amount authorized by the vote of the ratepayers; and whereas, owing to the informality of the collector's roll for the year 1891, and the default of the collector of taxes and litigation in connection therewith, the said town has incurred a large further indebtedness; and whereas the floating indebtedness of the said corporation amounts to \$23,000, or thereabouts, and has not been secured by debentures, and the said corporation have prayed that the said debt may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty by, and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The corporation of the town of Trenton may pass a by-law, or by-laws, authorizing the issue of debentures under the corporate seal signed by the mayor, and counter-signed by the treasurer for such sums, not exceeding in the whole the sum of \$23,000, as the council of the said town may direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province, or in Great Britain, or elsewhere as the said council may deem expedient, and may be either in currency or sterling money.

Issue of debentures for \$23,000 authorized.

2. The said corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body

Power to borrow on debentures.

or

or bodies corporate either in this Province or in Great Britain or elsewhere, who may be willing to lend the same, a sum not exceeding in the whole the sum of \$23,000 of lawful money of Canada.

Application of funds.

3. The funds derived from the negotiation of the said debentures shall be applied by the said council to the payment of the said outstanding floating liabilities, and to and for no other purpose whatever.

Payment of debentures and interest.

4. A portion of the said debentures to be issued under this Act shall be made payable in each year for a period not exceeding twenty-five years from the date thereof, and so that the aggregate amount payable for principal and interest in any one year shall be equal as nearly as may be to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged.

Special rate.

5. The corporation shall levy in addition to all other rates to be levied in each year a special rate sufficient to pay the amount falling due annually for principal and interest in respect of the debentures authorized to be issued under this Act, and it shall not be necessary to levy for or to provide any sinking fund to retire the said debentures or any of them.

Irregularity not to render debentures invalid.

6. No irregularity in the form of the said debentures, or of the by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be admitted as a defence to any action brought against the corporation for the recovery of the said debentures and interest, or any or either of them or any part thereof.

Assent of electors not required.

7. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law under this Act or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1892*.

55 V. c. 42.

Treasurer to keep proper books of account.

8. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep a proper book of account setting forth a full and particular statement so that the same shall at all times show the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and the said book of account and statement

shall



shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any such debentures.

9. The said debentures may be in the form in the Form of debentures. schedule to this Act, or as near thereto as the said corporation may find convenient according to the places where and the money in which the same are made payable.

---

## SCHEDULE.

*(Section 9.)*

### CONSOLIDATED LOAN DEBENTURE.

No.        \$

Province of Ontario, town of Trenton.

Under and by virtue of the Act passed in the year of the reign of Her Majesty Queen Victoria and chaptered , and by virtue of by-law No.        of the corporation of the town of Trenton passed under the provisions contained in the said Act, the corporation of the town of Trenton promises to pay the bearer at        in the sum of        on        day of A. D.        and the yearly coupons hereto attached as the same shall severally become due.

Dated at Trenton, in the county of Hastings, this day of        A. D.

[L. S.]

A. B.

Mayor.

C. D.

Treasurer

## CHAPTER 98.

## An Act to confirm By-law No. 486 of the Town of Walkerton.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS the corporation of the town of Walkerton have by their petition represented that the said corporation passed a by-law, No. 486, intituled "A by-law for granting aid, by way of loan, for the promotion of the establishment of certain manufactures within the limits of the corporation of the town of Walkerton," wherein it was enacted that the said corporation might aid the Walkerton Chair Factory Company (limited), by lending them the sum of \$6,000 and exemption from taxes, except school taxes, to enable the said company to erect or purchase a factory, within the limits of the said corporation, for the manufacture of chairs and other materials from wood, and costing when complete, at least \$6,000, on certain conditions mentioned in said by-law, said loan to be repayable in six years from the first day of August, 1896; and whereas there is no other similar industry established within the limits of the said corporation but a similar manufacturing industry which had been established within the limits of the said town removed to another town owing to inducements offered by the latter town, notwithstanding that a sum of \$6,000 had been given in aid of such previous manufacturing concern; and whereas many of the employees of the said previous industry specially skilled in chair making still reside in the said town of Walkerton but are without employment; and whereas the said by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws, as provided by *The Consolidated Municipal Act, 1892*, and two hundred and eighty nine of the ratepayers qualified to vote as aforesaid, voted in favor of the said by-law and only fifty-three ratepayers voted against it; and whereas the said corporation by their petition have prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said By-law No. 486 of the corporation of the town of Walkerton, intituled as in the preamble of this Act, and set out in Schedule A to this Act, is hereby confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, and the said corporation is declared to have been authorized by said By-law No. 486 to grant aid, by way of loan to the Walkerton Chair Factory Company (limited), therein mentioned to the extent of \$6,000, repayable in six years from the first day of August, A.D. 1896, or repayable sooner than that time, and with interest as provided for and in pursuance of the terms of the said by-law, and all acts done, or to be done, and all payments made, or to be made by the said corporation pursuant to the said By-law No. 486, are hereby declared to be valid and binding, anything in any Act to the contrary notwithstanding.

By-law 486 of  
Walkerton  
confirmed.

## SCHEDULE A.

## BY-LAW NO. 486.

A by-law for granting aid, by way of loan, for the promotion of the establishment of certain manufactures within the limits of the corporation of the town of Walkerton.

Whereas, the Walkerton Chair Factory Company (Limited), has applied to the municipal council of the said corporation of the town of Walkerton to aid them by lending them the sum of six thousand dollars, and exemption from taxes, except school taxes, on condition that they shall without delay erect or purchase a factory within the limits of the corporation of the town of Walkerton, to be finished and completed with all suitable machinery for the manufacture of chairs and other materials from wood, and costing with the machinery when completed at least six thousand dollars, the same to be completed and in running order on or before the first day of August, one thousand eight hundred and ninety-six, said company to repay said loan in six years from said first day of August, one thousand eight hundred and ninety-six, and upon the further consideration that the said the Walkerton Chair Factory Company (Limited), will run said factory for at least nine months in each year, and will employ whilst in operation during the term of six years from after the first day of August, one thousand eight hundred and ninety-six, at least twenty-five persons or employees (no one of whom shall be under fourteen years of age, and who shall be engaged in the running and working of the said factory, situate within the limits of the said town of Walkerton) and the said Walkerton Chair Factory Company (Limited), shall enter into a written agreement with the said corporation to do all things herein before mentioned to be done on their part, and that on failure in performance or breach of any one or more of the said conditions, the said Walkerton Chair Factory Company (Limited), shall immediately thereafter repay to the said corporation the said loan.

Provided, that if twenty-five hands on an average are not employed as above provided for a period in any one year, of nine months, then said company may pay interest on said sum of six thousand dollars at the rate of six per cent. per annum for that year, and in that case the foregoing conditions of this by-law shall not be considered as broken ;

Provided further, that if said factory ceases to be run for a period exceeding three months in any one year, and said company then pay interest on said sum of six thousand dollars at the rate of six per centum per annum for that year, said conditions shall not be considered as broken ;

Provided



Provided further, that said company shall at or before the time said money shall be lent to them under the provisions of this by-law, give security satisfactory to said corporation by way of a first real estate mortgage on the said factory so to be built or purchased by them, and on the machinery and plant therein, containing an insurance clause to the amount for which the same can be insured in favor of said corporation for the observance of said conditions and the repayment of the said loan and any interest thereon claimable under the conditions of this by-law ;

And whereas, in order to aid the said company by lending them said sum of six thousand dollars for the purposes and upon the conditions aforesaid it is necessary and intended by this by-law to create a debt on the part of the said corporation to the amount of six thousand dollars, and to provide for the issue of debentures therefor ;

And whereas, it is necessary to raise annually by special rate during the term of twenty years, for paying said debt and interest thereon, the sum of \$481.45 ;

And whereas, the amount of the whole rateable property of the said town of Walkerton is \$653,985 according to the last revised assessment roll.

And, whereas the amount of the existing debenture debt of the said town is \$65,013.24, no part of which either for principal or interest is in arrears.

Be it therefore enacted, and it is hereby enacted, by the municipal council of the corporation of the town of Walkerton as follows :

1. That it shall and may be lawful for the municipal council of said corporation of the town of Walkerton to aid the said the Walkerton Chair Factory Company (Limited), for the erection of a factory for the manufacture of chairs and other articles made of wood within the limits of said corporation in manner aforesaid, by lending them the sum of six thousand dollars, repayable without interest, within the said period of six years (unless the same shall become due and payable by reason of the breach of any one or more of the conditions and restrictions attached to such loan as hereinbefore provided).

2. That it shall and may be lawful for the mayor of said corporation to cause to be raised by way of loan the aforesaid sum of six thousand dollars for the purpose hereinbefore mentioned, from any person or persons, body or bodies corporate, who may be willing to advance the same upon the credit of the debentures hereinafter mentioned, and to cause the same to be paid to the treasurer of the said town.

3. Debentures of said corporation of said town, sealed with its corporate seal and signed by the said mayor, shall be issued to the amount of said sum of six thousand dollars, and shall

be made for the respective amounts and payable on the thirty-first day of December in the respective years following:

Year.	Interest.	Principal.	Total Annual Amount.
1896.....	\$300 00	\$181 45	\$481 45
1897.....	290 92	190 52	481 45
1898.....	281 40	200 05	481 45
1899.....	271 40	210 05	481 45
1900.....	260 89	220 56	481 45
1901.....	249 87	231 49	481 45
1902.....	238 28	243 16	481 45
1903.....	226 13	255 32	481 45
1904.....	213 36	268 09	481 45
1905.....	199 95	281 49	481 45
1906.....	185 88	295 56	481 45
1907.....	171 10	310 35	481 45
1908.....	155 58	325 86	481 45
1909.....	139 29	342 15	481 45
1910.....	122 18	359 26	481 45
1911.....	104 22	377 23	481 45
1912.....	85 36	396 09	481 45
1913.....	65 56	415 89	481 45
1914.....	44 76	436 69	481 45
1915.....	22 92	458 53	481 45

\$6,000 00

And the said debentures shall have attached thereto coupons for the payment of the interest thereon.

4. The said debentures shall bear interest at the rate of five per centum per annum, from the thirty-first day of December, A. D. 1895, and such interest shall be payable yearly thereafter on the 31st day of December during the currency of the said debentures respectively.

5. The said debentures, as to principal and interest, shall be payable at the office of the Merchants' Bank of Canada, at said town of Walkerton.

6. For the purpose of paying the said debt and interest the said sum of four hundred and eighty-one dollars and forty-five cents shall be raised and levied in each year during the currency of the said debentures, or any of them, by a special rate sufficient therefor on all the rateable property in the said municipality.

7. It is distinctly understood that the words "other articles made of wood" hereinbefore mentioned shall not permit said company to manufacture materials such as are now manufactured in the said town, and that said mortgage shall contain a covenant that the said company shall not manufacture any such.

8. That the said company shall be during the period of six year from the first day of January, A. D. 1896, exempt from  
the

the payment of all taxes (except school taxes) on all sums beyond the taxes now levied on the property on which they shall so erect their said factory.

9. That a poll shall be held and the votes of the ratepayers entitled to vote upon this by-law shall be taken thereon at the times and places, that is to say, on Monday, the sixth day of January next, at the hour of nine o'clock in the forenoon, and continuing until five o'clock in the afternoon of the same day, the places being those at which elections of the members of the council of said town are held, and that the following persons shall be respectively the deputy returning officers, namely: Saugeen ward, at the shop of Christian Rettlebran, Matthew Hudson, returning officer; Grove ward, at the town hall, Robert Millons, returning officer; Silver Creek ward, at John A. Smith's house, James Benson, returning officer.

10. On Thursday, the second day of January, A. D. 1896, the mayor of said town shall attend at the council chamber at twelve o'clock noon, to appoint persons to attend at the various polling places, and at the final summing up of the votes by the clerk, respectively on behalf of the persons interested in and promoting or opposing this by-law.

11. The clerk of the council of said town shall attend at the town hall, in the council chamber thereof, at the hour of twelve o'clock noon, on the 7th day of January, A. D. 1896, and sum up the number of votes given for and against this by-law.

12. That this by-law shall come into force and take effect from and after the same has been duly legalized and confirmed by the Legislature of the Province of Ontario.

Dated at the town of Walkerton this 10th day of December, A. D. 1895.

Read the third time and finally passed this 22nd day of January, A. D. 1896.

[Sgd.] JOHN STANDISH,  
Mayor.

[Sgd.] W. S. GOULD,  
Town Clerk.

[Seal.]

## CHAPTER 99.

## An Act respecting the Gaol of the County of Wentworth.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS the corporation of the county of Wentworth, herein called the county, have by their petition represented that they are seized in fee simple of the lands and premises described in the agreement which forms schedule "A" to this Act, upon which is erected the gaol of the county of Wentworth, which is also used as the gaol of the city of Hamilton, and that the corporation of the city of Hamilton, herein called the city, recently declared their intention of erecting a gaol for the said city and passed a by-law authorizing the issue of debentures of the city for \$36,000 to provide the moneys necessary for that purpose, and that the county and the city have entered into the said agreement for the sale of the said gaol to the city, and both the county and the city have prayed that the terms of the said agreement may be confirmed, and that the by-law of the city authorizing the issue of debentures for \$36,000 may be declared valid and that such debentures or the proceeds thereof may be used so far as necessary to pay for the purchase of the county gaol; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Agreement  
between the  
city and  
county  
confirmed.

1. The agreement dated the third day of September, 1895, and made between the county and the city and which is set out in the schedule A to this Act is hereby declared to be legal and valid and to be binding on the parties thereto.

Maintenance  
of gaol.

2. From and after the conveyance of the said gaol lands and premises to the city the said gaol shall cease to be the gaol of the county of Wentworth and shall become and be the gaol of the city of Hamilton and shall be preserved and kept by the said city as and for a gaol at their sole expense and shall be regulated by the by-laws of the council of the said city and it shall also be the gaol of the county of Wentworth for the period of ten years and shall so continue thereafter until the council of the said county shall otherwise direct.



3. By-law numbered 785 passed by the city on the thirteenth day of May, 1895, "To issue debentures to the amount of \$36,000 for building a gaol" which by-law is set out in schedule B to this Act and the debentures to be issued thereunder are hereby declared to be valid, legal and binding upon the said city and the ratepayers thereof, and the said city are hereby authorized to use the debentures to be issued under the said by-law or the proceeds thereof so far as necessary to pay for the purchase of the county gaol under the said agreement and any part thereof not required for that purpose shall be used for making necessary repairs and improvements in the said gaol.

By-law 785,  
for building  
gaol  
confirmed.

## SCHEDULE A.

### (Section 1.)

This agreement made this third day of September, 1895, between the corporation of the county of Wentworth, hereinafter called "The county," of the first part, and the corporation of the city of Hamilton, hereinafter called "The city," of the second part;

Whereas the county are seized in fee simple of the parcel of land and premises hereinafter described upon which is erected the gaol of the county of Wentworth, and the same has hitherto been and still is used as the gaol of the city of Hamilton;

And whereas the city recently declared their intention of erecting a gaol upon lands the property of the city, that the same might be the gaol of the city of Hamilton, and thereupon an agreement was come to between the parties hereto for the sale by the county to the city of the existing gaol of the county, and it is desirable to define the terms of such agreement;

Now this agreement witnesseth that the parties hereto, each for themselves, their successors and assigns mutually covenant and agree with the other as follows:—

1. The county agree to sell to the city who agree to buy from them all and singular that certain parcel or tract of land and premises situate, lying and being in the city of Hamilton, in the county of Wentworth and Province of Ontario, described as follows, that is to say:—Commencing where the easterly limit of Elgin street intersects the northerly limit of Barton street, thence along the northerly limit of Barton street on a course south, seventy-two degrees east, two hundred and eighty-eight feet and four inches, more or less, to the western limits of Ferguson avenue, thence along the westerly limits of Ferguson avenue on a course north, eighteen degrees east, eight hundred and fifty-seven feet, more or less, to the lands of the Grand Trunk Railway Company of Canada, thence following the southerly limits of said lands north, seventy-two degrees west, two hundred and eighty-eight feet and four inches, more or less, to a point in a line with the easterly limits of

said

said Elgin street, thence south eighteen degrees west, eight hundred and fifty-seven feet, more or less, to the place of beginning, saving and excepting thereout the parcel of land conveyed by the corporation of the county of Wentworth to the Hamilton and Lake Erie Railway Company, by deed bearing date 20th January, 1873, registered as number 8,434, and containing by admeasurement one acre and ten hundredths of an acre, more or less, and also excepting thereout the parcel of land conveyed by the corporation of the county of Wentworth to Messrs. H. H. Hurd and D. E. Roberts by deed bearing date 31st March, 1875, confirmed by deed dated 7th March, 1877, which deeds are registered as numbers 13,087 and 16,280 respectively, together with the gaol and other buildings thereon erected, and all their interest in the furniture and clothing therein as the same may exist at the date in the next clause mentioned for the price or sum of thirty-five thousand (35,000) dollars but subject to the terms and conditions hereinafter expressed and contained.

2. The purchase money shall be payable on the first day of the month next after the expiration of a full month from the end of the next session of the Legislative Assembly of the Province of Ontario, if at such session an Act as hereinafter mentioned be passed, and simultaneously with such payment the county shall deliver to the city a conveyance of such premises in fee simple free from all incumbrances, and assign and transfer to the city all policies of fire insurance on the gaol then in force, the city paying to the county a proportionate part of the premiums in respect of the unexpired terms of such policies, and if the premises be damaged or destroyed by fire before such conveyance the city shall have the benefit of the fire insurance in reduction of their purchase money.

3. On such conveyance the city shall take over all stores and supplies on hand at cost price paying the county their proportion of such price, and in the event of any difference or disagreement as to the amount to be paid therefor the same shall be determined by one of the inspectors of prisons and asylums, and the expense of such determination shall be borne by the parties hereto equally.

The city shall also assume the payment from the date of conveyance of all salaries and wages, and the carrying out of all existing contracts for supplies or the like not to extend beyond the first day of July, 1896.

4. From and after such conveyance the said gaol shall cease to be the gaol of the county of Wentworth, and shall become and be the gaol of the city of Hamilton, and shall be preserved and kept by the city as and for a gaol at their sole expense, and shall be regulated by the by-laws of the city council, and it shall also be the gaol of the county of Wentworth for the period of ten years and shall so continue thereafter until the council of the said county otherwise directs.

For the term of five years from such conveyance the city are to maintain all county prisoners committed to the city gaol at the rate of thirty-seven and one-half ( $37\frac{1}{2}$ ) cents per prisoner per diem, payable by the county to the city quarterly, on the first day of each of the months of January, April, July and October, and after such term of five years the county shall pay to the city quarterly, on the days in this clause mentioned, for the maintenance of all county prisoners committed thereto after such rate as may be agreed on, or in the event of disagreement as shall be determined by arbitration under the provisions of *The Municipal Act*.

5. The terms of agreement hereinbefore contained shall not come into force or take effect unless and until an Act of the Legislature of the Province of Ontario be passed confirming the same substantially, and the parties hereto agree to join in a petition to the said Legislature praying that such an Act may be passed, and by all lawful means to promote the passage of such Act.

Such Act shall also provide for confirming and declaring valid by-law No. 785 passed by the city on 13th May, 1895, authorizing the issue of debentures to the amount of \$36,000 for building a gaol, and shall also provide for such debentures or the proceeds thereof being used so far as necessary to pay for the purchase of the county gaol as hereinbefore mentioned.

6. The county shall in the meantime, and until the first day of the month next after the expiration of a full month from the end of the next session of the Legislative Assembly of the Province of Ontario, continue to keep and manage the gaol, and the city shall contribute on the basis of the existing arrangement.

In witness whereof the corporate seals of the said respective corporations have been set hereto under the hands of the warden of the county and the presiding officer of the council of the city respectively.

Signed, sea'ed and  
delivered in pre-  
sence of  
"H. THOMPSON."  
"T. BEASLEY."

"J. O. MCGREGOR,  
Warden Co. Wentworth."



"E. A. COLQUHOUN,  
Presiding Officer."





## SCHEDULE B.

*(Section 3.)*

## BY-LAW No. 785.

TO ISSUE DEBENTURES TO THE AMOUNT OF \$36,000 FOR BUILDING A GAOL.

Whereas it is necessary to build and furnish a gaol in this city and to raise for that purpose the sum of \$36,000 by the issue of debentures of this municipality;

And whereas it will require the sum of \$2,658.60 to be raised annually for a period of twenty years for paying the instalments of principal and interest upon said debentures in the manner hereinafter provided;

And whereas the amount of the whole rateable property of this municipality, according to the last revised assessment roll, is \$25,138,220;

And whereas the existing debenture debt of this municipality amounts to \$3,161,394, and no principal or interest is in arrear;

Be it therefore enacted by the municipal council of the corporation of the city of Hamilton:

1. That it shall be lawful for the Mayor of the said city, and he is hereby required to issue debentures to the amount of \$36,000, in sums of not less than \$100 each, which debentures shall be sealed with the seal of the said corporation, signed by the mayor, and countersigned by the treasurer of the said city, and shall be made payable as follows:

July 1st, 1896....	\$1,204 20	July 1st, 1906....	\$1,789 39
" " 1897....	1,252 85	" " 1907....	1,861 69
" " 1898....	1,303 47	" " 1908....	1,936 89
" " 1899....	1,356 13	" " 1909....	2,015 15
" " 1900....	1,410 93	" " 1910....	2,096 56
" " 1901....	1,467 92	" " 1911....	2,181 25
" " 1902....	1,527 23	" " 1912....	2,269 38
" " 1903....	1,588 93	" " 1913....	2,361 05
" " 1904....	1,653 12	" " 1914....	2,456 46
" " 1905....	1,719 94	" " 1915....	2,547 46

and bear interest at the rate of four per cent. per annum, payable half-yearly on the first days of January and July in each year, coupons therefor to be attached to said debentures.

2. The said debentures shall be payable at the office of the treasurer of the said city of Hamilton.

3. There shall be raised and levied annually during the period of twenty years from July 1st, 1895, the sum of \$2,658.60 by special rate on all the rateable property in the said municipality for payment of said instalments of principal and interest.



4. The votes of the qualified electors of this municipality shall be taken on this by-law by the deputy-returning officers hereinafter named, on Wednesday, May 1st, A. D. 1895, commencing at the hour of nine o'clock in the morning and continuing until five o'clock in the afternoon, at the under-mentioned places :

Ward.	Div.	Place.	Returning Officer.
1	1	666 King street east.....	Alex. Turnbull.
1	2	404 King street east.....	W. P. Smith.
2	1	146 King street east.....	R. Ellicott.
2	2	24 Jackson street west .....	William Herman.
3	1	193 King street west.....	William Allen.
3	2	137 Hannah street west .....	Edward Smith.
3	3	501 King street west.....	Joseph Kent.
4	1	58 Caroline street north.....	James Byrens.
4	2	392 York street.....	John Greig.
5	1	City Hall .....	L. Hills.
5	2	363 James street north.....	T. Smith.
6	1	113 Rebecca street .....	Samuel Robins.
6	2	Shop, cor. John and Barton sts.	J. Houlden.
6	3	83 Picton street east .....	A. McPherson.
7	1	83 East avenue north.....	H. Mason.
7	2	28 Tisdale street.....	J. G. Y. Burkholder
7	3	421 Barton street east .....	Albert Swazie.

5. On Monday, the 29th day of April, 1895, the mayor shall attend at the council chamber, at eleven o'clock in the forenoon, to appoint persons to attend at the various polling places and at the final summing up of the votes by the city clerk on behalf of the persons interested in opposing or promoting the passing of the by-law.

6. The clerk of the council of the said municipality shall attend at his office in the City Hall, at eleven o'clock in the forenoon, on Friday, the 3rd day of May, 1895, and sum up the number of votes given for and against the by-law.

This by-law shall take effect on the 1st day of June, 1895.

Passed this 13th day of May, A.D. 1895.

T. BEASLEY,  
City Clerk.

A. D. STEWART,  
Mayor.

## CHAPTER 100.

## An Act to confirm By-law No. 250, 1895, of the Town of Wingham.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS the Municipal Council of the town of Wingham has by its petition represented that on the 30th day of December, 1888, by By-law No. 147, 1888, the sum of \$10,000 was loaned by the corporation of the town of Wingham by way of bonus to Messieurs Gilchrist, Green and Company, the then proprietors of a furniture manufacturing establishment in the said town, for the term of ten years without interest, to be repaid as follows:—\$500 annually during the said ten years and \$5,000 at the expiry thereof, and that the Union Furniture Company of Wingham, Limited, is the assignee and successor in business of the said Gilchrist, Green and Company; and that on the 22nd day of May, 1895, the buildings, plant and machinery of the said company were destroyed by fire, whereby the said town suffered severe loss by the destruction of one of its largest and most important industries, and many workmen are in consequence thrown out of employment, and that the sum of \$8,000 was due by the said company in respect of the said loan at the time of the said fire; and that the sum of \$6,525 has been received from insurance moneys paid on account of the said loss, and is now in hand; and whereas the corporation of the town of Wingham has passed a by-law numbered 250, 1895, wherein it is enacted that the time for repayment of the said \$8,000 shall be extended to ten years from the final passing of the by-law last mentioned, to be repaid without interest within the said last mentioned ten years in pursuance of the terms of the said last mentioned by-law; and whereas the said last mentioned by-law was submitted to a vote of the ratepayers entitled to vote on money by-laws as provided by *The Consolidated Municipal Act, 1892*, and over two-thirds of the said ratepayers qualified as aforesaid voted in favor of the said by-law and only fifteen ratepayers opposed the same; and whereas the said council by its petition has prayed that the said by-law may be confirmed and declared legal and valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said By-law No. 250, 1895, of the corporation of the town of Wingham, intituled as set forth in schedule "A" to this Act is hereby legalized, confirmed and declared to be valid and binding from the time of the passing thereof, to all intents and purposes, anything in any Act to the contrary notwithstanding.

By-law No.  
250, 1895, con-  
firmed.

### SCHEDULE A.

#### BY-LAW No. 250, 1895.

A by-law to extend the time for the repayment of the unpaid portion of the loan made to Messieurs Gilchrist, Green and Company, by way of bonus, under By-law No. 147, 1888, and to issue debentures to meet payment of certain debentures issued under said by-law when the same shall fall due and to authorize the levying of a special rate for the payment of the first mentioned debentures and the annual interest thereon.

Whereas on the 31st day of December, A.D. 1888, the corporation of the town of Wingham under By-law No. 147, 1888, passed under the authority of the Municipal Act, and with proceeds of debentures issued and sold under said by-law, did loan by way of bonus to Messieurs Gilchrist, Green and Company, the then proprietors of a furniture manufacturing establishment in the said town of Wingham, known as the "Union Factory," the sum of \$10,000 for a term of ten years without interest, to be repaid to the said corporation of the town of Wingham as follows:—The sum of \$500 annually during the said ten years and the balance at the expiry thereof;

And whereas the Union Furniture Company of Wingham, Limited, is the assignee and successor in business of the said firm of Gilchrist, Green and Company, and has assumed the repayment of the balance due of said loan;

And whereas there is now remaining unpaid upon the said loan the sum of \$8,000;

And whereas on the 22nd day of May, A.D. 1895, the buildings, plant and machinery of the Union Furniture Company of Wingham, Limited, were destroyed by fire, whereby the town of Wingham, in the loss of one of its largest and most important industries, has suffered severe loss, and many workmen have been in consequence thrown out of employment;

And whereas the Union Furniture Company of Wingham, Limited, has proposed to the council of the corporation of the

town

town of Wingham, that if the period of time for the repayment of the \$8,000 balance due upon the said loan be extended for a term of ten years without interest computed from the date of the final passing hereof, the said the Union Furniture Company of Wingham, Limited, will at once rebuild and erect suitable buildings and place therein machinery requisite and proper for the employment of at least fifty workmen and will employ at least fifty workmen in its business of furniture manufacture in the town of Wingham, for at least ten months during each of the last mentioned ten years, the said loan so extended to be secured by first mortgage, as heretofore upon the real estate, buildings and machinery of the Union Furniture Company of Wingham, Limited, and further secured by insurance policies on the said buildings and machinery;

And whereas the said council deem it in the interest of the town of Wingham that the said the Union Furniture Company of Wingham, Limited, should be granted the extension of time asked upon the conditions proposed ;

And whereas the debentures issued under said By-law No. 147, 1888, will fall due on the 31st day of December, A.D. 1898, and it will be necessary to issue debentures to the amount of \$8,000 to meet the same, bearing interest at five per cent per annum;

And whereas the whole rateable property of the said municipality, according to the last revised assessment roll, being for the year 1894, is \$535,763 ;

And whereas the amount of the existing debenture debt of the said municipality is \$64,500 and there is nothing either of principal or interest in arrears ;

And whereas for the payment of the debentures to be issued hereunder and interest thereon, it will require a sum of \$1,384 to be raised annually by special rate on the whole rateable property of the said town of Wingham.

Therefore the council of the corporation of the town of Wingham, enacts :—

1. That upon the final passing of this by-law it shall be lawful for the said council to enter into an agreement with the said the Union Furniture Company of Wingham, Limited, for the extension of the balance (\$8,000) of the loan originally made to Gilchrist, Green and Company, for the time and upon the terms hereinbefore mentioned.

2. That for the purpose of meeting the payment of the \$10,000 debentures falling due on the 31st day of December, A.D. 1898, as aforesaid, the then mayor and treasurer of the said town as soon as the occasion shall require shall cause to be issued debentures of the said corporation of the town of Wingham to the extent of \$8,000. Such debentures shall be  
sealed



sealed with the seal of the said corporation of the town of Wingham, and shall be signed by the said mayor and treasurer, and shall not be less than one hundred dollars each.

3. That the debentures shall bear date on the 31st day of December, 1898, and shall be made payable in seven years from the date thereof at the office of the treasurer of the town of Wingham, and shall have attached to them coupons for the payment of interest.

4. That the said debentures shall bear interest at the rate of five per cent. per annum from the date of the said debentures and said interest shall be payable annually on the 31st day of December in each year at the place where the said debentures are made payable.

5. That during the currency of the said debentures, the sum of four hundred dollars shall be raised annually for the payment of the interest on the said debentures to be issued hereunder, and the sum of nine hundred and eighty-four dollars shall be raised annually for the payment of the debt to be secured by the said debentures last mentioned, making in all the sum of thirteen hundred and eighty-four dollars to be raised annually as aforesaid.

6. That the said annual sum of thirteen hundred and eighty-four dollars shall be raised and levied in each year during the said term of seven years by a special rate sufficient therefor on all the rateable property in the said municipality of the town of Wingham.

7. That the purchaser of any of the said debentures shall not be required to see to the application of the purchase money thereof or that the conditions in any agreement made or to be made between the corporation of the town of Wingham and the said the Union Furniture Company of Wingham, Limited, have been complied with, observed or performed, but such debentures and coupons shall be unimpeachable on any such grounds in the hands of any purchaser for value.

8. The foregoing sections of this by-law shall take effect on and after the fifth day of August, one thousand eight hundred and ninety-five, and the subsequent sections shall take effect immediately.

9. And it is further enacted by the council of the corporation of the town of Wingham, that the votes of the electors of the said municipality shall be taken on Monday the twenty-second day of July, one thousand eight hundred and ninety-five, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon, at the places and by the deputy returning officers hereunder specified :—

In ward number one at Joseph Golley's office, Victoria street, by James Flenty, deputy returning officer.

In ward number two at Thomas H. Ross's implement warehouse, Josephine street, by George Payne, deputy returning officer.

In ward number three at the town hall, by Johnston B. Ferguson, deputy returning officer.

In ward number four at the Park House, Josephine street by William Robertson, deputy returning officer.

10. That on the twentieth day of July, A.D. 1895, at half-past ten o'clock in the forenoon at the council chamber in the town hall, the mayor shall appoint in writing, signed by himself, two persons to attend at the final summing up of the votes by the clerk of the said town and one person to attend each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law, and a like number on behalf of the persons interested in opposing the passing of this by-law.

11. That on Wednesday the twenty-fourth day of July, one thousand eight hundred and ninety-five, at twelve o'clock, noon, at the clerk's office in the town hall, the clerk of the said council shall proceed to sum up the number of votes given for and against this by-law.

Finally passed in open council this 4th day of November, 1895.

(Sgd.)      W. F. BROCKENSHIRE,  
Mayor. [L.S].

(Sgd.)      J. B. FERGUSON,  
Clerk.

## CHAPTER 101.

## An Act to incorporate The Chatham City and Suburban Railway Company.

*Assented to 7th April, 1896.*

**W**HEREAS, the municipal council of the city of Chatham Preamble.  
and the Board of Trade of the City of Chatham have petitioned for an Act to incorporate The Chatham City and Suburban Railway Company, with power to construct and operate an electric railway in, through and from the city of Chatham, in the county of Kent, along or near the township line between the townships of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent, and with all other powers conferred upon such companies by *The Electric Railway Act, 1895* and *The Street Railway Act*; and whereas John Mercer, Manson Campbell and George P. Scholfield, all of the said city of Chatham have prayed for an Act of incorporation under the name and title of "The Chatham City and Suburban Railway Company"; and whereas it is expedient to grant the prayer of such petitioners;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. John Mercer, Manson Campbell, George P. Scholfield, Incorporation  
John A. Walker, Fred. Stone, John L. Bray and William Douglas, all of the said city of Chatham, and E. Jones Parke and George C. Rankin, of the City of London, in the county of Middlesex, and such other persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Chatham City and Suburban Railway Company."

2. The said company is hereby authorized and empowered Location of line.  
to survey, lay out, construct, make, complete, alter and keep in repair a railway with iron or steel rails, to be operated by electricity with double or single iron or steel tracks in, through  
and

and from the said city of Chatham, along or near the township line between the townships of Raleigh and Harwich to the unincorporated village of Cedar Springs and from thence to some point on Lake Erie, in the county of Kent. The said railway or any part thereof may be carried along and upon such public highways, as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to the restrictions and provisions therein, and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the said company and the councils of any of the said corporations, and between the company and the road companies (if any) interested in such highways; and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway, subject to the provisions and conditions contained in the said *Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same, and *The Street Railway Act*.

58 V. c. 38.

55 V. c. 42.  
Rev. Stat. c.  
171.Provisional  
directors and  
their powers.

**3.** The said John Mercer, Manson Campbell, George P. Scholfield, John A. Walker, Fred. Stone, John L. Bray, William Douglas, E. Jones Parke and George C. Rankin, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until other directors are appointed under the provisions of this Act by the shareholders.

Place of  
meeting.

**4.** All meetings of the provisional board of directors shall be held at the said city of Chatham, in the county of Kent.

Capital.

**5.** The capital stock of the said company shall be \$50,000 to be divided into 500 shares of \$100 each.

First election  
of directors.

**6.** When and so soon as 25 per centum of the capital stock has been subscribed and ten per centum of the authorized capital stock has been paid in cash into some chartered bank in Canada the provisional directors shall call a meeting of the company at the said city of Chatham for the purposes of organization, giving due public notice of the same as prescribed by *The Electric Railway Act, 1895*.

58 V. c. 38.

Board of  
directors, how  
composed.

**7.** The board of directors of the company shall consist of not less than five nor more than seven persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Head office.

**8.** The head office of the said company shall be at the said city of Chatham.



9. The several clauses of *The Electric Railway Act, 1895*, and every Act in amendment thereof, shall be, and are, hereby incorporated with and deemed to be a part of this Act, and shall apply to the company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Electric Railway Act, 1895*, and of every Act in amendment thereof so incorporated with this Act.

Provisions of  
58 V. c. 38,  
incorporated.

10. The railway shall be commenced within eighteen months of the passing of this Act and finished within three years.

Commence-  
ment and  
completion of  
railway.

11. Notwithstanding any proviso to the contrary in any other Act, the said railway may cross any other railway upon a level therewith with the consent of said railway.

Crossing other  
railways.

## CHAPTER 102.

## An Act to amend the Act to Incorporate the Grand Valley Railway Company.

*Assented to 7th April, 1896.*

## Preamble

**W**HEREAS by an Act passed in the 58th year of Her Majesty's reign chaptered 97, the Grand Valley Railway Company was incorporated; and whereas by section 2 of the said Act the said company was authorized to construct a railway a portion of which is to run from the town of Berlin in the county of Waterloo in a southerly direction, passing through the townships of Waterloo and North Dumfries in the said county of Waterloo and the townships of South Dumfries and Brantford in the county of Brant, to a point at or near the city of Brantford; and whereas no aid has been granted by any municipality or portion of a municipality to the said company for the construction of the said railway under the provisions of the said Act; and whereas it has been represented that by altering the location of the said portion of the line of the said railway, the objects of the said company contemplated by the said Act would be attained by a shorter and less expensive route; and whereas the said company have prayed that the said Act may be amended accordingly and for certain other amendments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Notice to  
Commissioner  
of Public  
Works as to  
selection of  
location of  
route.

1. The said company shall on or before the 1st day of June 1897, signify in writing to the Commissioner of Public Works of the Province of Ontario, under the hand of the president and secretary and the corporate seal of the said company whether the said company elects to locate the said portion of the said line of railway according to section 2 of the said Act of incorporation, or to construct the same from the said town of Berlin in a southerly direction passing through the townships of Waterloo and North Dumfries and the town of Galt in the said county of Waterloo and the townships of Beverley and

Ancaster

Ancaster to some point on the Toronto, Hamilton and Buffalo Railway at or near the village of Copetown in the county of Wentworth, and thereupon the Lieutenant-Governor in Council may direct the said company to proceed with the construction of the said portion of the said railway according to the location thereof so selected and adopted.

2. In the event of the said company under the powers conferred by the preceding section electing to adopt the said last mentioned location, the said company shall have full power and authority to survey, lay out, construct, equip, complete and operate a line or lines of railway over the said location, and all the powers granted to the said company by the said Act of incorporation as to the construction of a line of railway between the said town of Berlin and the city of Brantford or otherwise, and also all powers conferred upon municipalities or portions of municipalities by the Act to incorporate the Grand Valley Railway Company as to the granting of bonuses and otherwise, shall be applicable to the said line or lines of railway between the said town of Berlin and the junction with the said Toronto, Hamilton and Buffalo Railway at or near the said village of Copetown, and the construction of the said line of railway last mentioned shall be deemed a sufficient compliance with the said Act of incorporation.

Power to construct line when location selected.

3. Should the said company under the powers conferred by section 1 of this Act elect to locate the said portion of their railway as provided in section 2 of the said Act of incorporation, the company may proceed to survey, lay out, construct, equip, complete and operate the said portion of the said line of railway according to the provisions of the said Act of incorporation and the said Act and all the powers thereby conferred upon the said company or upon municipalities or portions of municipalities shall be applicable to the said line of railway between the said town of Berlin and the city of Brantford but in such case the powers conferred by section 2 of this Act shall not be applicable to or exercisable by the said company or any municipality or portion of a municipality.

Construction of line when old location selected.

4. Until the said company has made its election as to the location of its said line of railway between the town of Galt and the village of Copetown, or between the town of Galt and the city of Brantford, as provided by section 1 of this Act, it shall not be lawful for the said company to enter into negotiations with any municipality or portion of a municipality along the said portion of their line of railway for the granting of aid in respect to the construction thereof, nor shall the powers conferred upon municipalities or portions of municipalities by the said Act of incorporation, as to the granting of bonuses or otherwise, be applicable to the portion of the said line of railway, so to be constructed from the town of Galt

Municipal aid to line.

to

to the city of Brantford, or from the town of Galt to the village of Copetown, until such election has been made in the manner provided by this Act.

58 V. c. 97  
s. 19, amended.

Bonding  
powers

5. Section 19 of the said Act of incorporation is hereby amended by striking out the following words "but the whole amount of the issue of such bonds shall not exceed in all the sum of \$15,000 for each mile of the said railway" and by inserting therein in the place of the said words so struck out the following proviso "provided, however, that the whole amount of such issue of bonds shall not exceed \$20,000 for each mile of the said railway."

58 V. c. 97  
s. 26 repealed.

6. Section 26 of the Act incorporating the company is hereby repealed.

Certain  
payments may  
be made in  
stock or  
bonds.

7. The provisional directors, or the elected directors of the said company, may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers and contractors, or for right of way, or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the service of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in furthering the undertaking, or purchase of right of way, material, plant or rolling stock whether such promoters or other persons be provisional or elected directors or not, and any agreement so made shall be binding on the company.

58 V. c. 97  
s. 47,  
amended.

8. Section 47 of the said Act of incorporation is hereby amended by inserting after the word "with" in the second line of the said section the words "The Canadian Pacific Railway Company, The Toronto, Hamilton and Buffalo Railway Company."

Commence-  
ment and  
completion of  
line.

9. The time for the commencement of the construction of the said railway is extended for the period of three years after the passing of this Act and the time for the completion thereof for five years after the passing of this Act.



## CHAPTER 103.

## An Act respecting the Hamilton Radial Electric Railway Company

*Assented to 7th April, 1896.*

**W**HEREAS The Hamilton Radial Electric Railway Com- Preamble.  
pany have by their petition prayed that an Act may be  
passed extending the time for the building and completion of  
the company's railway and authorizing the company to extend  
the Hamilton and Brantford branch of their line from Brant-  
ford to the town of Woodstock, and to run a branch of their  
line from Hamilton to Burlington through the townships of  
West Flamborough and East Flamborough, and in other  
respects to extend the company's powers, and whereas it is  
expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. The time for the completion and building of the said Time for com-  
pletion of  
main line and  
branches  
extended.  
company's lines of railway and branches or extensions hereto-  
fore or hereby authorized is hereby extended to the first day  
of January, 1902.

2. The said company is hereby authorized to lay out, con- Extension to  
Burlington.  
struct and operate as a part of their railway between the city  
of Hamilton and Mimico a line from the city of Hamilton  
to the village of Burlington by the north side of Burlington  
bay, running through a portion of the townships of West  
Flamborough and East Flamborough.

3. The said company is also hereby authorized to extend Extensions to  
Brantford and  
Woodstock.  
their line of railway between the cities of Hamilton and  
Brantford, from the latter city through the townships of  
Brantford, Burford and Oxford East to the town of Wood-  
stock.

Motive power. 4. The portions of the said company's system of railways other than those mentioned in section 1 of the Act passed in the fifty-eighth year of Her Majesty's reign, chaptered 101, may be operated by either steam or electric power, but the said company shall not operate by steam power any portion of their line between the city of Hamilton and Mimico, whether running easterly out from the city of Hamilton and over Burlington Beach or from the said city of Hamilton by the north side of Burlington Bay as hereinbefore mentioned.

---

## CHAPTER 104.

## An Act to incorporate the Lincoln Radial Electric Railway Company.

*Assented to 7th April, 1896.*

**W**HEREAS by letters patent dated the twentieth day of November A. D. 1895 duly issued under *The Ontario Joint Stock Companies' Letters Patent Act*, The Lincoln Street Railway Traction and Light Company, Limited, was duly incorporated for the purposes and objects and with the rights, powers and privileges in the said letters patent set forth, and whereas Albert Phenis, of the city of New York, in the State of New York, broker; Lucius S. Oille, of the city of St. Catharines, in the county of Lincoln, physician; William Cooke, of the said city of St. Catharines, contractor; George E. Patterson, of the said city of St. Catharines, manufacturer; John S. Campbell, of the said city of St. Catharines, barrister; Henry A. King, of the city of Toronto, in the county of York, broker, Evan J. McIntyre, of the town of Niagara, in the county of Lincoln, Esquire, and Peter Ryan, of the city of Toronto, in the county of York, Registrar, have by their petition prayed for incorporation under the name of The Lincoln Radial Electric Railway Company, for the purpose of constructing and operating electric railways within the limits of the city of St. Catharines, and from the city of St. Catharines through the villages of Jordan and Beamsville and near Grimsby Park to the eastern limit of the village of Grimsby, branching at a convenient point or points to the village of Campden and the village of Smithville; from the city of St. Catharines to the village of Port Dalhousie; from the city of St. Catharines to the town of Niagara and the Niagara river, and from the city of St. Catharines to the village of Queenston and the Niagara river, passing through the townships of Grantham, Louth, Clinton, North and South Grimsby and Niagara, and for power to acquire and take over all the rights, privileges, powers, franchises and assets, and assume the liabilities of the said The Lincoln Street Railway Traction and Light Company, Limited, and for conferring certain other powers on the company to be incorporated and for the confirming

confirming of a certain by-law of the corporation of the county of Lincoln granted to the Lincoln Street Railway Traction and Light Company, Limited, hereinafter set forth, and a certain agreement made pursuant thereto and hereinafter set forth; and whereas the said corporation has also prayed for the confirmation of the said by-law and the said agreement, and whereas it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation

1. The said Albert Phenis, Lucius S. Oille, William Cooke, George E. Patterson, John S. Campbell, Henry A. King, Evan J. McIntyre and Peter Ryan, and such other person or persons and corporations as shall hereafter become shareholders in the said company are hereby constituted a body corporate and politic under the name of "The Lincoln Radial Electric Railway Company."

Location of  
lines.

2. The said company is hereby authorized and empowered to survey, lay out, construct, complete, equip, maintain and operate iron or steel railways to be operated by electricity or compressed air with double or single iron or steel tracks within the limits of the city of St. Catharines and from the city of St. Catharines through the villages of Jordan and Beamsville, and near Grimsby Park to the eastern limit of the village of Grimsby branching at a convenient point or points to the village of Campden and the village of Smithville; from the city of St. Catharines to the village of Port Dalhousie; from the city of St. Catharines to the town of Niagara and the Niagara river, and from the city of St. Catharines to the village of Queenston and the Niagara river, passing through the townships of Grantham, Louth, Clinton, North and South Grimsby and Niagara, with power to build any part or branch of the said railway in sections, and the said railways or any of them may be laid and carried on and along the Queenston and Grimsby stone road, subject to the conditions set forth in the by-law hereinafter mentioned, and upon such other streets and highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same, and subject to any restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained, and under and subject to any agreements hereafter to be made between the council of any of the said corporations and the company, and between the company and the road companies (if any) interested in such highways, and the said company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

1 V. c. 38.

58 V. c. 38,  
55 V. c. 42.

And



And the said company may take and transport and carry passengers, freight, express and mail matter over the same.

3. The said Albert Phenix, Lucius S. Oille, William Cooke, George E. Patterson, John S. Campbell, Henry A. King, Evan J. McIntyre and Peter Ryan, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company. Provisional directors.

4. All meetings of the provisional board of directors shall be held at the city of St. Catharines, in the county of Lincoln, or at such other place as may best suit the interests of the said company. Meetings provincial directors.

5. The capital stock of the company hereby incorporated shall be \$370,000, to be divided into 3,700 shares of \$100 each. The said capital stock shall be appropriated towards the construction of the said railways in the following manner: \$125,000 to the section from St. Catharines to Grimsby, \$85,000 to the section from St. Catharines to Niagara, \$85,000 to the section or branch to Queenston, and \$75,000 to the section from St. Catharines to Port Dalhousie and the branch or branches to Campden and Smithville. When and so soon as twenty-five per cent. of the authorized capital appropriated to any such section or branch has been subscribed, and ten per cent. of such authorized capital has been paid in cash into some chartered bank in Canada, the provisional directors shall call a meeting of the shareholders of the said company for the purpose of electing directors and organizing the company in the manner set forth in *The Electric Railway Act, 1895*. Capital stock 53 V. c. 38.

6. No bonds or debentures shall be issued by the company until twenty-five per cent. of the authorized capital appropriated to any one of the branches or sections has been actually expended on such branch or section. When bonds may be issued.

7. The head office of the company shall be at the city of St. Catharines. Head office.

8. The affairs of the company shall be managed by a board of seven directors. Number of directors.

9. The company may take and make the surveys and levels of lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same, as required by the clauses of the said Act and the amendments thereto with respect to plans and surveys, by sections or portions less than the length of the whole railways authorized, of such length as Surveys and plans. 53 V. c. 38.

58 V. c. 38.

as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length; and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways, all and every of the clauses of the said *Electric Railway Act, 1895*, and the amendments thereof applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof, and of their whole course and direction, and of the lands intended to be passed over and taken, and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of *The Electric Railway Act, 1895*, and the amendments thereof with respect to plans and surveys.

58 V. c. 38.

Special rates  
for fruit and  
milk.

**10.** The company may make special rates for the carriage of fruit and milk.

Power to  
enter into  
agreement  
with Camp  
Ground Com-  
pany.

**11.** The company may also make and enter into an agreement with the Ontario Methodist Camp Ground Company for aid in the construction of their line of railway or any section or branch thereof from the said Camp Ground Company by way of loan or bonus or subscription of stock or otherwise, and the company may grant the said Camp Ground Company special rates for passengers and goods to and from the grounds of the said Camp Ground Company in exchange for such aid.

Agreements  
with certain  
other com-  
panies.

**12.** It shall be lawful for the company to enter into an agreement or agreements with the Hamilton, Grimsby and Beamsville Electric Railway Company and the St. Catharines and Niagara Central Railway Company, for the purpose of making connections and running arrangements with and obtaining the right to run its rolling stock upon the tracks of said company or companies, and for the leasing, hiring or use of any motors, carriages, cars, rolling stock and other movable property from such companies for such time or times and on such terms as may be agreed upon.

Time for com-  
mencement  
and comple-  
tion of work.

**13.** The railways shall be commenced within one year and completed to the extent of a through connection with either Beamsville, Grimsby, Smithville, Port Dalhousie, Queenston or Niagara within two years, and finally completed within five years after the passing of this Act. Provided, however, that in the event of the company not commencing or completing any section or branch hereinbefore mentioned within the time hereby limited, the rights and powers of the company in respect of any section or branch commenced or completed shall not in any manner whatever be affected or limited.

14. The company is hereby authorized and empowered to acquire from the Lincoln Street Railway Traction and Light Company, Limited, hereinafter called "the vendors," all the assets, franchises, contracts, agreements, rights, powers and privileges and all other real and personal property of the vendors, including particularly all the rights, powers, privileges and franchises which the vendors may have or be entitled to under by-law No. 341, of the municipality of the county of Lincoln and the agreement pursuant thereto, set forth in schedules B and C of this Act; and upon the exercise of the powers by this Act conferred, the company shall assume and be liable for all the debts, liabilities, contracts, covenants, agreements and obligations of the vendors previously incurred or entered into by the vendors, and upon an indenture in the form set forth in schedule A to this Act, being executed between the company and the vendors, the company shall thereby and thereupon have vested in it all the assets, franchises, contracts, agreements, rights, powers, privileges and franchises of, and belonging to, the vendors under the said letters patent, or which the vendors may have or be entitled to under by-law number 341 of the municipality of the county of Lincoln, and the agreement made pursuant thereto set forth in schedules B and C to this Act, together with all other assets, powers, rights, privileges, franchises and all real and personal property of the vendors subject to all liens, charges, covenants, debts, liabilities, agreements and obligations previously entered into by the vendors so contracting, and the company shall thereupon be substituted for, and stand in the place of the vendors, in respect of the said by-law and the said agreement hereinafter recited and hereby ratified, as fully and effectually as if the company had been specifically named therein as an original party thereto; provided that nothing in this section or in the said by-law and agreement contained shall be taken or deemed to confer upon the company any right, power, privilege or franchise which may be inconsistent with or contrary to the provisions contained in other sections of this Act and *The Electric Railway Act, 1895.* 58 V. c. 38.

Power to acquire property of Lincoln Street Railway Traction and Light Company.

Proviso.

15. The directors of the company hereby incorporated may enter into and execute the agreement with the vendors in the preceding section mentioned and by resolution may issue to The Lincoln Street Railway, Traction and Light Company, Limited, or to any of the shareholders therein, according to the terms of the said agreement, so much of the capital stock of the company as shall be equal at its par value to the amount actually expended up to the date of the passing of this Act in cash by the said The Lincoln Street Railway, Traction and Light Company, Limited, in the securing of its Letters Patent, the making of surveys and the securing of the right of way, but the paid up stock so to be issued by the company shall not exceed at its par value the sum of \$5,000.

Carrying out agreement of purchase.



By-law number 341 of county of Lincoln confirmed.

**16.** It is hereby declared that by-law number 341 of the municipality of the county of Lincoln made, authorizing the said, The Lincoln Street Railway Traction and Light Company, Limited, to construct, complete, maintain and operate a railway upon and along a certain highway in the county of Lincoln, and for other purposes fully set forth in schedule B to this Act, and an agreement made pursuant thereto between The Lincoln Street Railway Traction and Light Company, Limited, and the said county fully set forth in schedule C to this Act, are valid legal and binding upon the county of Lincoln and The Lincoln Street Railway Traction and Light Company, Limited, and the same are hereby legalized, ratified and confirmed, and the said council shall have power to amend the said by-law from time to time.

Power to erect cold storage warehouses.

**17.** The company may erect and construct the necessary buildings, plant and machinery, at such convenient point or points along their lines of railway as may be desired by them for the purpose of receiving fruit, milk, goods and merchandise, and may hold and store the same by a system of cold storage at such rates, and upon such terms as shall, from time to time, be specified by the by-laws of the company, which by-laws the directors are hereby empowered to make, and the powers by this section conferred shall be held to be part of the company's undertaking.

58, Vic. c. 38, incorporated with Act.

**18.** The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof, shall be incorporated with and be deemed a part of this Act, and shall apply to the company and the railways to be constructed by them, except where inconsistent with the enactments hereof, and the expression, "this Act" shall be understood to include the clauses of *The Electric Railway Act, 1895*, and all amendments thereto incorporated with this Act.

58 V. c. 38.

## SCHEDULE A.

(Section 14.)

This indenture made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ 189\_\_\_\_, between \_\_\_\_\_ hereinafter called the "Vendors" and The Lincoln Radial Electric Railway Company, Limited, hereinafter called the "Purchasers."

Whereas by a certain Act passed at the session of the Legislative Assembly of the Province of Ontario held in the fifty-ninth year of the reign of Her Majesty Queen Victoria and assented to on the \_\_\_\_\_ day of \_\_\_\_\_ 1896, it was enacted that the said purchasers might acquire from the vendors all the assets, franchises, rights, powers and privileges



privileges, and other the real and personal property of the vendors, the whole as in the said statute more particularly recited and set forth ;

And whereas it was by said statute enacted that upon an indenture being executed between said vendors and said purchasers for the acquisition by the latter of the rights and privileges as aforesaid, the purchasers should thereupon and thereby have vested in them all the rights, powers, privileges and franchises of and belonging to the said vendors, and each of them under the letters patent therein in part recited, and under the by-law and agreement thereby confirmed, together with all and singular the other assets and powers, franchises and real and personal property of the said vendors, subject to all the liens, charges, covenants, agreements and obligations of the said vendors ;

And whereas the vendors have agreed to sell and the purchasers have agreed to buy for the consideration hereinafter expressed, and in accordance with the provisions of said Act, all the rights, real and personal property, privileges, franchises and other assets of every nature and sort whatsoever, by the said vendors owned and possessed ;

And whereas the purchasers have agreed to assume all the liabilities, contracts, covenants, agreements and obligations of the said vendors ;

Witnesseth that in pursuance of the said hereinbefore mentioned and in part recited statute passed in the fifty-ninth year of the reign of Her Majesty Queen Victoria, and in consideration of the premises and of the vendors hereby for themselves, their successors and assigns sell assign transfer, and make over unto the said purchasers their successors and assigns ;

All and singular the assets, franchises, rights, powers and privileges of and belonging to the said vendors, including the rights, privileges and franchises, which the said vendors have under and by virtue of the letters patent incorporating the said vendors, bearing date the 20th day of November, 1895, and under and by virtue of a certain by-law of the municipality of the county of Lincoln, numbered 341, passed on the 18th day of December, 1895, and an agreement made pursuant thereto between the vendors and the said municipality of the county of Lincoln, dated the 29th day of January, A.D., 1896.

To have and to hold the same unto the sole use and benefit of the said purchasers, their successors and assigns, according to the nature and kind of the same respectively for all the right, title, interest, property, claim, demand, privilege and franchise of the said vendors therein, subject to the liabilities, contracts, agreements and obligations of the said vendors as hereinafter assumed by the purchasers ;

And the said vendors for themselves, their successors and assigns, covenant, promise and agree with the purchasers, their successors and assigns, in manner following, that is to say :— That the purchasers, their successors and assigns, may from

time to time and at all times hereafter peaceably and quietly have, hold, possess and enjoy the same and every of them and every part thereof to and for their own use and benefit, without any manner of hindrance, interruption, molestation, claim or demand whatsoever of, from or by them the said vendors or any other person or persons whomsoever ;

And moreover that the said vendors, and all persons rightfully claiming or to claim any estate, right, title or interest of, in or to the same hereby assigned line of road and railway, rights, powers, franchises and privileges, real and personal property, shall and will from time to time, and at all times hereafter, upon every reasonable request of said purchasers, their successors and assigns, but at the costs and charges of the said purchasers make, do and execute, or cause or procure to be made, done and executed, all such further acts, deeds and assurances for the more effectually assigning and assuring the said hereby assigned line of road and railway, rights, powers, franchises, privileges, real and personal property, unto the said purchasers, their successors or assigns, in manner aforesaid and according to the true intent and meaning of these presents as by the said purchasers, their successors or assigns, or their counsel learned in the law shall be reasonably advised or required ;

And the purchasers hereby assume and undertake all the contracts, obligations, debts and liabilities of the vendors heretofore entered into, or incurred by the vendors, and the vendors hereby assign, transfer and make over to the purchasers any and all claims, privileges and rights of action whatsoever which they, the said vendors, may have against any person or company in respect of any contract for the construction of said road or otherwise howsoever ;

And the purchasers for themselves, their successors and assigns, covenant, promise and agree to and with said vendors, their successors and assigns, that they, the said purchasers, shall and will protect, indemnify and save harmless the vendors from and in respect of all liability arising out of all contracts and agreements and from and in respect of all debts, obligations and liabilities heretofore by the vendors at any time made, entered into or incurred, or for or in respect of which the vendors shall have become in any manner liable, whether by any agreement, contract or by imposition by any statute of the said Province, by assessment, taxation or assumption in any manner whatsoever or otherwise howsoever, in respect of the road and work of construction aforesaid.

In witness whereof the parties hereto have hereunto caused their corporate seals to be affixed and the same to be signed and countersigned by their proper officers in that behalf.

## SCHEDULE B.

*(Section 16.)*

## BY-LAW No. 341.

Of the Municipality of the County of Lincoln to authorize the Lincoln Street Railway Traction and Light Company Limited, to construct, complete, maintain and operate a railway upon and along a certain highway in the County of Lincoln, and for other purposes.

Whereas, by letters patent, under the great seal of the Province of Ontario, dated the 20th day of November, 1895, duly issued under the provisions of the Ontario Joint Stock Companies' Letters Patent Act, and other Acts, The Lincoln Street Railway Traction and Light Company, Limited, was duly incorporated for, among other purposes, the purpose of constructing and working lines of street railway in certain municipalities of said county ;

And whereas, the said company has applied to the council of the county of Lincoln for authority to construct, complete, maintain and operate a railway, with all necessary side tracks and turnouts for the passage of cars, carriages and other vehicles upon and along that portion of a certain public highway known as the Queenston and Grimsby Stone Road, extending from the eastern limit of the village of Grimsby to the western limit of the city of St. Catharines, and from the eastern limit of the city of St. Catharines to the Niagara river, and to take, transport and carry passengers and freight upon the same by electric power ;

And whereas, it is deemed expedient to grant such authority to said company,

Now, the council of the corporation of the municipality of the county of Lincoln hereby declares and enacts as follows :

1. The said "The Lincoln Street Railway Traction and Light Company, Limited," and such other person or persons or corporations as may join with them, are hereby authorized to construct, complete, maintain and operate a railway with all necessary side tracks and turnouts for the passage of motors, cars, carriages and other vehicles adapted to the same upon and along the public highway known as the Queenston and Grimsby Stone Road, from the eastern limit of the village of Grimsby to the western limit of the city of St. Catharines, and from the eastern limit of the city of St. Catharines to the Niagara river, and to take, transport and carry passengers and freight by electric power over the said railway, and to construct and maintain all necessary works, buildings, steps, platforms, appliances and other conveniences connected therewith, subject to the terms herein contained.

2. Such railway shall consist of a single track, with all necessary switches side tracks and turnouts laid down as required



required by law, and shall be laid down in such position on such highway and in such manner as this council may by resolution from time to time direct, and if in any case it be found that it is necessary in order to prevent the tracks or any turnout or switch interfering with the present travelled portion of the highway, the council may require the company to purchase from adjoining landowners, as contemplated by section 16 of this by-law, so as to ensure no interference whatsoever with travel on the said highway.

(a) The particular place in which the company shall lay the portions of its track lying within the limits of the villages of Beamsville, Queenston, St. David's and Homer shall be subject to the joint approval of this council and the council of the municipality in which the same is situated, such approval to be expressed within the space of four weeks after the submission of the company's plan to the head of such council for inspection. In the event of no decision being arrived at within such time, the company shall have the right to place their tracks according to their plan within the limits of said villages, and as regards the village of Beamsville, the council of the said village shall have power to impose conditions regarding the paving, macadamizing, repairing or grading of the street or highway, the opening or repairing of water pipes, drains or sewers and the speed of cars.

(b) This council may, in connection with the laying of the company's track, employ an engineer to supervise the location and manner of laying same, and charge the expense of the services of such engineer against the company.

3. The space between the rails of the said railway upon said highway shall be at all times kept in good and sufficient repair to the satisfaction of the council, and at all crossings of highways or other crossings and at entrances into farm and other properties, plank or macadam shall be laid flush with the rails in proper manner, both outside and inside the rails.

4. During the operation of laying the rails, a free and unobstructed passage for carriages and vehicles over the highway shall be kept open, and immediately after the rails shall have been laid the materials necessarily removed in laying the same, or so much thereof as shall be necessary, shall be replaced in good order and substantial manner as nearly as possible in the same way as before such removal, and no portion of the surface of the said highway shall be kept broken or disturbed for a greater period than two weeks, and all surplus material shall be carefully removed after the completion of the said railway, and the grade of all crossings shall conform to the grade of the highway.

5. The said railway shall be commenced within twelve months from the coming into force of this by-law, and at least fifteen miles thereof shall be completed within two years from its so coming into force. The company to build said fifteen miles when they choose. The whole of the company's undertaking, as defined by their application for an Act shall (subject to



to the company obtaining right of way therefor) be completed within three years, and in the event of the company failing to commence and complete the said railway as aforesaid, this by-law shall be null and void.

6. The privileges granted by this by-law shall continue for the period of twenty years from the passing thereof.

(a) At the expiration of said twenty years the corporation of the county of Lincoln may, after six months' notice prior to the expiration of said period, assume the ownership of that portion of the company's railway built on the said highway, and all real and personal property in connection with the working thereof, on payment of the value thereof, to be determined by arbitration.

(b) In case the corporation fails to exercise the right of assuming such ownership at the expiration of the said period, the corporation may exercise such right at the expiration of any fifth year thereafter upon giving one year's notice to the company, and the privileges of the company shall continue until the ownership is assumed by the said corporation.

(c) That at the expiration of said period of twenty years the council may require the company to pay the county of Lincoln such amount for the renewal and continuance of this franchise as may be agreed upon by the county and the company, and in the event of their disagreement the amount to be paid (if any) shall be fixed by arbitration under *The Municipal Act*, the award made thereunder to be binding for a period of ten years, a new award to be made every ten years thereafter, but this clause shall not prevent the county assuming the ownership as hereinbefore set forth.

7. Whenever there shall occur a fall of snow which materially obstructs the track and allows vehicles to pass over the same on runners, the said company is authorized to use a sufficient number of sleighs to convey passengers over their railway from day to day until the cars can be used on the tracks in the regular manner, and to use said sleighs in the same manner as they are authorized to run their cars, and to charge the same fares and rates for the carriage of passengers and freight on such sleighs as when carried on the cars, and in case of removal of snow by the company it shall be done in such a way as not to in any way obstruct the highway or entrances to private properties or highways.

8. The company may charge and collect fares from passengers not exceeding those provided by law, and may also charge and collect reasonable rates for the carriage of baggage, packages and freight, and the tariff of such fares and rates from time to time charged by said company shall be kept posted on all cars running on said railway.

9. The cars after sunset shall be provided with proper signal lamps both front and rear, and a bell shall be sounded when a car is within eighty rods of any crossing, and kept ringing until the same is passed.

10. The cars shall be entitled to the right of way on said track, and any vehicles upon the track of the said company shall turn out upon any car coming up, so as to leave the tracks unobstructed; and the driver or drivers of any vehicle or vehicles refusing to do so when requested by the driver of any car, shall be liable to a penalty of not exceeding ten dollars and costs on prosecution and conviction by any two justices of the peace for any offence, to be made and levied on default in payment by the person so offending upon his goods and chattels, and in case the fine and costs cannot be made and recovered upon such offender's goods and chattels, such offender shall be imprisoned in the common gaol of the county of Lincoln for a space not exceeding ten days; but any person or persons shall be entitled in all cases to a reasonable time to leave said track or remove any obstruction, and in any case in which it be necessary to take down the wires of the company in order to allow the removal of buildings, they shall do so upon request of the warden of this council and without compensation therefor, it being understood that the operation of this clause shall cause no unreasonable interruption to the running of the cars of the company in any such cases.

10.—(a) Where necessary in case of fire the chief of the fire brigade shall have the right to cut or pull down any wires of the company which obstruct the operations of the firemen, or to direct them to be so cut or pulled down, and also to require the company to stop the running of their cars to or near the premises on fire; and the municipalities shall not be liable for any loss or damage thus caused.

11. Any conductor or other employee who shall collect from any passenger any more than the fares and rates prescribed by the company's tariff for the time being, shall upon conviction thereof before any justice of the peace, pay a fine of not less than five dollars for each offence, together with costs of prosecution, to be made and levied in default of payment by the person so offending upon his goods and chattels, and in case the said fine and costs cannot be recovered upon such offender's goods and chattels, such offender shall be imprisoned in the common gaol of the county of Lincoln for a space not exceeding ten days.

12. Should the said company fail to complete said railway within the time limited by this by-law, or after its completion should the company neglect to operate cars or sleighs on said railway for the accommodation of the public for the space of four consecutive months, then the said company shall forfeit all privileges and rights which they may have acquired under this by-law, and in such case the county council reserves the

right to cause all obstructions, materials and buildings on the said highway to be removed therefrom, and to cause said highway to be put in such good order and condition as it was before said materials and obstructions were placed thereon, and the expense thereof shall be paid to the county council by the said railway company, and the said county council in such case also reserves the right to grant said rights and privileges to any other person or persons, firms or corporations, free from all charges or liability for damage on account thereof.

13. Before work is commenced upon any section of the company's railway, the plans setting forth the proposed location of the company's tracks shall be approved by this council, and the same shall not be altered without the consent of this council.

14. The company shall be liable for all damages occasioned by the existence of the rails or by the running of the cars of company upon the said highway, and the said company shall hold the said municipal corporation harmless and indemnified in respect thereof, and against all expenses, actions, costs and charges touching any claims for damages whatsoever brought by or incurred in an action brought by any person or property holder whatsoever, and if at any time the company fails to settle any claims that the county may have against the company, the council may stop the operation of the road or assume control thereof until such claims shall be paid.

15. The company may maintain and erect such poles as may be necessary for the purpose of carrying wires and supporting the appliances necessary for operating the company's railway, and for conducting electricity in connection with any of the purposes provided for in the Act or Acts relating to the company, provided that no wires shall be strung at a less height than sixteen feet from the ground, the location of the poles to be subject to the approval of the said committee, such poles to be straight in all cases.

16. Where it is necessary, in constructing their railway, for the boundary fences to be set back so that the company's track shall not interfere with the present travelled portion of the highway, the railway company shall deal with the owners of the adjacent lands.

17. In building their railway along those portions of said road crossing the valleys and hills of the Four, Ten, Fifteen, Sixteen, Twenty and Thirty-mile Creeks, and all other creeks and streams, it is expressly stipulated that the said company shall, at their own expense, widen the road sufficiently to lay their track without encroaching on the existing width of roadway, and shall cross the channels of those streams and all other creeks and streams on separate bridges of their own construction, and in no event lay their track on the public highway bridges across those streams or any other creek or stream; and, furthermore, the company shall, if required by

the



the council, erect substantial guard fences on the opposite side of the highway for the safety of the general public, and on said hills and valleys of the above-mentioned creeks and all other places deemed dangerous by the council. The speed of said cars shall not exceed four miles per hour.

(a) It is specially provided and made binding on the company in respect of that portion of the highway on each side of the bridge crossing the New Welland canal that the track shall be so laid as to reach and leave the said bridge on each side thereof by as sharp a curve as possible, so as to reach an embankment to be built by the company off the travelled road, on which embankment their track shall be laid, and the company shall erect a substantial closed board fence eight feet high between the said embankment and the travelled road on each side of said bridge.

18. In case the electric motors or cars used by the company in operating its railway whilst passing along the highway cause alarm to any horses travelling upon the highway with vehicles, the motors or cars of the company shall be stopped to enable the horses so alarmed to pass without accident or injury, and, if necessary, the servants of the company in charge of such motors or cars, shall assist the person or persons riding or driving, and in charge of such horse or horses that may be alarmed in endeavouring to prevent accident or injury to the person or persons' horse or horses or vehicles or of such person or persons.

19. In no case shall the fares taken by the company exceed five cents for any distance under three miles; when the distance exceeds three miles, then not exceeding two cents per mile for the distance actually travelled; children under ten years of age shall be carried for three miles for three cents, and for any additional distance for half fare; children in arms to be carried free.

20. It is expressly agreed that the said company shall not be called upon by the said county to pay any license or other fee, but this shall not be held in any event to be exemption from taxation or to interfere with the rights of the county, under section six of this by-law.

21. This by-law and the power and privileges hereby granted are not to be binding upon the said county of Lincoln unless formally accepted by the terms of an agreement entered into by "The Lincoln Street Railway Traction and Light Company, Limited" and this corporation, and executed within sixty days after the passage hereof, and until this by-law and the said agreement have been sanctioned and legalized by the Legislative Assembly of the Province of Ontario; and an application therefor shall be made to said Legislative Assembly by the municipal corporation of the county of Lincoln jointly with "The Lincoln Street Railway Traction and Light Company, Limited," and such person or persons or corporations as may join with said company; the expense of said application to be borne by the said company.



22. Whenever, in the opinion of this council, it may be deemed expedient that the railway track shall be laid on the roadway, the railway company shall substantially macadamize a width of eight feet alongside the existing width of macadam on that side opposite the track of the company

23. With regard to that portion of the said highway lying between the city of St. Catharines and the New Welland canal, in order that two railway tracks may be avoided, the company and the proprietors of the existing railway track shall come to an agreement for the joint use of one track.

24. It is expressly understood and made binding on the company, that the company shall run at least four cars per day each way (Sundays excepted), the first car to leave each end of any section of the company's line not later than six o'clock, a.m.

25. With regard to that portion of the said highway lying between the centre point in the village of Beamsville and the eastern limit of the village of Grimsby, nothing herein contained shall prevent this council from granting a franchise of that portion of the highway to the Hamilton, Grimsby and Beamsville Electric Railway Company, but in order to prevent duplication of railway tracks thereon, as between this company and the said other company, whichever company bona fide commences the construction of its road first, between those villages, shall grant running powers to the other company on the track lying between those said villages, on equitable terms, to be settled either by amicable agreement between the companies, otherwise by the award of a referee to be selected by the companies; otherwise in the event of their disagreeing in such selection, the judge of the county court of the county of Lincoln shall select a referee. In either case, the award of the referee shall be subject to re-adjustment every five years by arbitration on demand of either company to the other, and his award shall be subject to appeal as in ordinary arbitration cases.

26. In no event (save in the village of Beamsville and in cases where the highway is less than forty-five feet in width) shall the company, in locating the track of said railway, allow any portion of the track, or any side track, switch, or turnout to be placed as to prevent there being left for highway purposes forty-five feet of roadway clear of the company's track, side tracks, switches or turnouts, nor in any such case nearer than eighteen feet from the centre of the line of macadam; and it is made binding on said company to provide an ample and sufficient ditch along the whole line of their road on said highway between the line of their railway, side tracks, switches and turnouts and the travelled portion of the road, the natural drainage of land not in any case to be interfered with.

27. All costs, charges and expenses which the county may be put to by reason of any suit which may be brought against

the county in connection with this by-law, and the granting of the privileges therein referred to, or any legal expenses in connection with the passing of this by-law, shall be borne by the company.

28. Wherever the word "company" is used in this by-law, it shall be construed to mean the company, its successors or assigns.

29. The company binds itself to become incorporated by special Act of the Legislative Assembly of the Province of Ontario, under *The Electric Railway Act, 1895*, under the name "The Lincoln Radial Electric Railway Company," or such other name as may be approved by said Legislative Assembly.

30. The company shall be subject to all by-laws, or parts of by-laws, of this municipality now in force, or that may hereafter be passed, in respect of streets, roads and highways in so far as applicable.

31. Should the company neglect to keep their track or roadway or crossings or ballasting in good condition, according to the terms of this by-law, the council, or a committee thereof, may give notice requiring such repairs to be forthwith made, and, if after such notification, the company do not, within one week, begin and carry the same to completion with all reasonable diligence, so as to complete the same within fifteen days from the receipt of such notice, the council, or their committee, may have said work done, and the company shall pay for such work on demand.

32. It is expressly declared by this council, and understood by and between the company and the council, that this by-law is to be construed as granting only such permission, powers, privileges or franchises as the corporation of the county of Lincoln has power and jurisdiction to grant, and if it shall be held by any court of competent jurisdiction that the corporation of the county of Lincoln has not power or jurisdiction to grant the same, this by-law shall thereupon be null and void.

Passed in council 18th December, 1895.

JOHN RITCHIE,  
Warden.

JOHNSON CLENCH,  
County Clerk.

## SCHEDULE C.

*(Section 16.)*

This indenture made in duplicate this 29th day of January, A. D. 1896, between The Lincoln Street Railway Traction and Light Company, Limited, of the first part, and the municipal corporation of the county of Lincoln, of the second part;

Whereas at a session of the municipal council of the corporation of the county of Lincoln, held on the 17th and 18th days of December, A. D. 1895, the said council duly passed a certain by-law numbered 341;

And whereas under and by virtue of the terms of the said by-law, the said company is granted the right to construct, complete, maintain and operate an electric railway upon and along a certain highway in the county of Lincoln, known as the Queenston and Grimsby Stone Road, subject to certain conditions in the said by-law, and subject, also, to the execution of this agreement within sixty days after the passing of said by-law;

And whereas by resolution of said council duly passed on the 18th day of December, A. D. 1895, the warden and clerk of said county were instructed and empowered to sign, seal and execute these presents in order to carry the said by-law into effect.

Now, this indenture witnesseth that the said company, the party hereto of the first part, for themselves, their successors and assigns, formally accept the said by-law and covenant, promise and agree to and with the said municipal corporation of the county of Lincoln to observe, abide by, fulfil and perform all and every the terms, provisos and conditions of said by-law, binding upon said company, their successors and assigns in as full and ample a manner as is contemplated by the said by-law, and according to the true intent and meaning thereof, and as if the same were fully incorporated herein.

The said municipal corporation of the county of Lincoln, the party hereto of the second part, hereby confirms the said by-law, and the granting of the powers, privileges, rights and franchises therein contained, subject to the terms, provisos and conditions therein set forth.

In

In witness whereof the vice-president and secretary of the said company have hereunto set their hands and affixed the corporate seal thereof, and the warden and clerk of said municipal corporation have hereto set their hands and affixed the corporate seal of the county of Lincoln.

Signed, sealed and  
delivered in the  
presence of

(Sgd.) JOHN S. CAMPBELL,  
As to execution by the county  
of Lincoln.

(Sgd.) C. M. BROWER,  
As to execution by the Lincoln  
Street Railway Traction and  
Light Company (Limited).

(Sgd.) GEO. E. PATTERSON,  
Vice-President.

[L. S.]

(Sgd.) JOHN S. CAMPBELL,  
Secretary-Treasurer.

(Sgd.) DANIEL H. MOYER,  
Warden.

[L. S.]

(Sgd.) JOHNSON CLENCH,  
County Clerk.



## CHAPTER 105.

## An Act respecting the London Street Railway Company.

*Assented to 7th April, 1896.*

**W**HEREAS the London Street Railway Company were incorporated by an Act of the Ontario Legislature, passed in the 36th year of the reign of Her Majesty Queen Victoria, chaptered 99, which Act was amended by an Act passed in the 52nd year of the reign of Her Majesty Queen Victoria, chaptered 79; and whereas in accordance with the said last mentioned Act the company have increased their capital stock to the sum of \$250,000, and have issued debentures for \$250,000, and have secured the said debentures by a mortgage to trustees; and whereas doubts have arisen as to the said company's mortgaging powers, and the company by their petition have prayed that the said doubts may be removed and their powers in that behalf defined, and that the said debentures and the mortgage securing the same may be confirmed; and whereas by the terms of the by-law and agreement hereinafter mentioned the said company are bound to extend their line from time to time and to pave certain portions of the streets through or along which such line may run, and have, by their petition, prayed for power to increase their capital stock from \$250,000 to \$750,000, which power, by the provisions of the Act passed in the 52nd year of the reign of Her Majesty Queen Victoria, chaptered 79, includes the power to increase the issue of bonds or debentures to a like amount; and whereas under by-law No. 916 of the corporation of the city of London, dated the 21st day of May, 1895, and a certain agreement made in pursuance thereof between the said company and the said corporation, bearing date the 6th day of June, 1895, certain powers were conferred upon the said company respecting the construction and operation of their railway upon certain streets in the said city, and by the said by-law it is provided that the said company are to be at liberty to apply for an Act confirming the same, and by their petition the said company have prayed that the said by-law and agreement may be confirmed; and whereas the rector and churchwardens of St. Paul's

Preamble.

church,

church, London, executed to the said company a conveyance of a certain right of way in the township of Westminster, and by the said conveyance it is provided that the company shall be at liberty to apply for an Act confirming the same, and the said company by their petition have prayed that the said conveyance may be confirmed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Capital stock increased to \$750,000.

1. The capital stock of the said company may, under section 4 of the Act passed in the 52nd year of the reign of Her Majesty Queen Victoria, chaptered 79, be increased from time to time to an amount not exceeding in the whole \$750,000.

Agreement with city and by-law No. 916 confirmed.

2. The agreement between the said company and the corporation of the city of London and by-law No. 916 therein referred to, which are set out in schedule A to this Act, are hereby declared to be valid and effective in all respects, and it is hereby declared that under the said by-law and agreement the said company acquired and are entitled to the exclusive right of constructing, maintaining and operating, subject to the conditions, stipulations, regulations, obligations, provisions and agreements in the said by-law and agreement contained, a surface electric street railway on the streets and portions of streets mentioned in section 50 of the said by-law.

Enforcing by-law against company.

3. If the said company shall fail or neglect to keep, observe perform or comply with any of the provisions of the said by-law, in which the residents of the municipality, or the corporation, or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation of the city of London may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions of the said by-law; and the court shall have full power and jurisdiction in the premises, and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers, and other persons, of all provisions of the said by-law in which residents of the municipality or the corporation, or any other person or corporation are interested.

Responsibility for repairing streets, etc., where single tracks laid.

4. Notwithstanding that the said company have, with the consent of the corporation of the said city, on Dundas street near Ridout street, and on Richmond street at the crossing of the Grand Trunk Railway Company's tracks, and at the crossing of the Canadian Pacific Railway Company's tracks, laid a single instead of a double track, the said company shall be

responsible

responsible for the repairs, paving and re-paving of the roadway and in all other respects as provided by the said by-law No. 916 and in the said agreement set out in the said schedule A, in the same manner and to the same extent as if the company had at the said places laid double tracks as required by sub-section 7 of section 50 of the said by-law.

5. The conveyance of right of way of the lands and premises therein described, from the rector and churchwardens of St. Paul's church, London, to the said company, dated the 21st day of December, 1895, and set out in schedule B to this Act, is confirmed and declared to be a good and sufficient conveyance of the lands and premises therein described and to vest the same in the said company subject to the terms and conditions set forth therein.

Conveyance  
from St. Paul's  
church con-  
firmed.

6. The mortgage deed set forth in schedule C to this Act, and the debentures secured thereby, are hereby confirmed and declared to be legal, valid and binding as therein expressed; provided that the said mortgage and debentures and all other mortgages, bonds, debentures or other securities of the said company which may or shall be issued shall not in any way interfere with or prejudice the right of the said the corporation of the city of London, in case it chooses to exercise its right to assume the ownership of the railway of the said company and all the real and personal property used or employed in connection with the working thereof, in pursuance of and under the terms set forth in the said by-law No. 916 and the agreement giving effect to the same, both of which are set out in schedule A to this Act, in which case the said mortgage and debentures and all other mortgages, bonds, debentures or other securities of the said company which may or shall be issued shall cease to be a charge on the said railway and all the real and personal property used or employed in connection with the working thereof, but they shall nevertheless be a charge on any moneys to be paid by the said the corporation of the city of London therefor under the said by-law, and the said mortgage and debentures and all other mortgages, bonds, debentures and other securities which may at any time hereafter be issued by the said company, shall be subject also to all the other rights and privileges of the said the corporation of the city of London contained in the said by-law and agreement set forth in the said schedule A to this Act and in this Act.

Mortgage to  
secure debentures con-  
firmed.

7. Subject to the right of the said company to make and issue, from time to time, debentures to an amount not exceeding the amount of the capital stock subscribed at the time of such issue and notwithstanding that such amount may exceed \$10,000 per mile of the said railway, and subject to the proviso

Application of  
certain provisions of 58  
V. c. 38 as to  
debentures.



58 V. c. 38.

in the last preceding section contained, the provisions of sections 20, 21, 22, 23, 24 and 25 of *The Electric Railway Act, 1895*, shall apply to the said company, and any debentures hereafter issued by the said company may be secured by mortgage containing, among such others as may be authorized, such powers, clauses, covenants and conditions similar to those contained in the mortgage in schedule C hereto, as the company may think proper.

---

## SCHEDULE A.

### (Section 2.)

#### BY-LAW NO. 916, RESPECTING THE LONDON STREET RAILWAY COMPANY.

Whereas the Legislature of the Province of Ontario, on the 29th day of March, 1873, passed an Act entitled, "An Act to incorporate the London Street Railway Company," by which the said company, (hereinafter called "the Company") are authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along such of the public streets and highways within the jurisdiction of the corporation of the city of London (hereinafter called "the Corporation") as the company may be authorized to pass along, under and subject to any agreement to be made between the council of the corporation and the company, and under and subject to any by-law of the corporation, and to take, transport and carry passengers and freight upon the same by the force or power of animals, or such other power as the corporation may by by-law from time to time authorize to be used, and to construct and maintain all necessary works, buildings and conveniences therewith connected, and full power is given to the directors to make all by-laws for the management of the company.

And whereas the corporation and the company are, by the said Act, respectively authorized to make and enter into any agreements or covenants relating to the construction of the said railway; for the paving, macadamizing, repairing and grading of the streets or highways; and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the

same



same, and the time for completion and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

And whereas the corporation are, by the said Act, authorized to pass any by-law or by-laws for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enforcing obedience thereto, and also for the facilitating of the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

And whereas the council of the corporation, by by-laws passed respectively on the eighth day of March, A.D., 1875, the thirtieth day of July, A.D., 1888, the third day of December, A.D., 1888, and the twenty-sixth day of August, A.D., 1889, and the councils of the corporation of the village of London East and of the corporation of the town of London East (which town has been annexed to and now forms part of the said city of London) and the council of the corporation of the township of Westminster (a portion of which said township of Westminster has been annexed to and now forms Ward No. 6 of the said city), and the council of the corporation of the county of Middlesex, by certain by-laws, conferred certain rights and privileges upon the company, subject to the conditions contained in such by-laws, and it was thereby provided that the privileges granted to the company should extend for the period of fifty years from the eighth day of March, A.D., 1875.

And whereas it is, by the said by-laws, provided that the cars to be used on the said railway shall be drawn by horses or mules only, and the company and the corporation desire that the company should construct a surface electric street railway, on the trolley system, in place of their present railway, on the streets hereinafter mentioned, and it has been agreed between the company and the corporation that the said by-laws shall be consolidated and amended so that the same shall read as this by-law reads, and all portions of the said several by-laws inconsistent herewith shall be repealed.

Be it therefore enacted by the municipal council of the corporation of the city of London as follows:—

1. The consent, permission and authority of the corporation is hereby given and granted to the company to construct, complete, maintain and operate, during the remainder of the term of fifty years from the eighth day of March, A.D., 1875, a surface electric street railway, on the trolley system, consisting of double tracks, with necessary cross-overs, or single

tracks with necessary side tracks, turn-outs or switches, for the passage of cars, carriages and other vehicles adapted to the same upon and along the streets of the said city of London, mentioned in sub-section 2 of section 50 of this by-law, and to erect all necessary poles and wires, electric appliances and overhead construction along such streets for the completion of the railway on the trolley system and to operate such railway by running cars thereon by means of electricity as the motive power, during the term herein specified, upon and subject to the conditions and agreements hereinafter mentioned or contained.

2. The construction of the said electric street railway shall be commenced immediately after the passing of this by-law, and shall be continued thereafter without unnecessary interruption or delay, and the said railway shall be completed, and the electric cars running efficiently, and the whole of the works in full operation upon all the streets and portions of the streets mentioned in sub-section 2 of section 50 of this by-law, within eighteen months of the passing of this by-law in default of which all of the privileges granted to the company by this by-law shall cease, determine, and be at an end, and in that event the corporation may exercise the other powers contained in section 56 hereof. Provided, however, that nothing herein contained shall bind the company to build their said railway on Richmond street, from St. James street north to the northern limit of the city, unless or until the company or the corporation has obtained the consent, permission and authority to do so from the Proof Line Road Company, on terms not more stringent or onerous upon the company than those applicable hereunder to that portion of Richmond street south of St. James street, if such permission and authority be requisite, and the same be duly sought by the company.

3. The tracks of the said railway, and all works necessary for constructing and laying the same, shall be built and made in a substantial manner, and according to the best modern practice, under the supervision of the city engineer for the time being, and to the satisfaction of the said engineer; and the streets in which any work is done by the company shall, by and at the expense of the company, who shall furnish at their own expense all necessary materials, be left in as good a state and condition, and to the satisfaction of the said engineer, when the rails are laid, and the other necessary work of the company is done, as they were at the time they were broken up, opened or interfered with by the company, and the said engineer shall be the judge as to the said best modern practice, and his decision in the premises shall be binding on the corporation and the company.

4. The said railway shall be of the gauge of four feet, eight and one-half inches, and the rails shall be what are known as grooved girder rails, to weigh not less than 69 lbs. per yard, and

and of such pattern as shall be approved of by the said engineer, and shall be laid, kept and maintained flush with the said streets, and in such manner as shall least obstruct the free and ordinary use of the streets, and the passage of vehicles and carriages over the same.

5. The said railway shall, unless otherwise directed by by-law of the council of the corporation, be laid, if and where a single track shall be used, in the centre of the street, and if and where a double track shall be used, so that the inside rail of each track shall be within two feet of the centre line of the street.

6.—(1) The tracks shall conform to the grades of the several streets upon or along which the same shall be laid, as the same are now, or shall hereafter be established or such other grade as the said engineer shall direct, and shall not in any way alter or change the same or vary therefrom, and the said engineer shall within four weeks after the request in writing by the company to do so give the company the grades and such notice shall be sufficiently given if mailed by registered letter addressed to the said engineer at the said city of London.

(2) Whenever in this by-law the words "track allowances" are used the same shall mean all the roadway between the rails and the space of eighteen inches outside of each rail where single tracks are or shall be laid, and, where double tracks, y's, turn-outs, switches or side tracks are or shall be laid, the words "track allowances" shall mean the whole space between the rails of the double tracks, switches, side tracks, y's and turn-outs, and between the double tracks and between the tracks of the y's and between the tracks and the switches and between the tracks and the turn-outs and eighteen inches outside of the outer rails of such double tracks, y's, turn-outs, switches and side tracks, and, where loops are or shall be laid, the said words shall mean the roadway between the rails and the space of eighteen inches outside of each rail.

(3) If the grade given by the said engineer conforms to the existing surface, or is above the same, the company shall, at their own expense, make up the "track allowances" to the required height, and put the same in good condition under the direction and to the satisfaction of the said engineer, and, if the grade so given be below the existing surface, the company shall, at their own expense, lower the "track allowances" in such manner as the said engineer shall direct, so that the said street may be made and kept in a fit and proper state for public travel and to the satisfaction of the said engineer. The company shall, in restoring the streets, use similar material to that of which the roadway is composed, to the satisfaction of the said engineer, removing all rough stone and dirt, and shall roll and make the surface firm and compact, to the satisfaction of the said engineer.

(4)



(4) All the work and material necessary to be done and supplied by the company in order to comply with the provisions of this section shall be done and supplied under the supervision and to the satisfaction of the said engineer.

7.—(1) The “track allowances” shall be paved, macadamized, or gravelled, conforming in that respect with the roadway on each side thereof, by and at the expense of the company, when and as their system is being changed under the provisions of this by-law, and when and as their rails are being laid or re-laid; and the “track allowances” shall be kept and maintained by the company, during the continuance of this by-law or of the extension of the company’s rights thereunder, level with the rails, and free from ruts, hollows, depressions or defects of any description, and in thorough repair, to the satisfaction of the said engineer, or renewed from time to time by the company at their own expense, to the satisfaction of the said engineer, all the materials to be furnished by the company, and to be satisfactory to the said engineer, and all the said work to be done to his satisfaction and when and as required by him.

(2) The company shall construct and maintain in good repair, crossings, similar to those for the time being in use by the corporation on the said streets, at the intersection of each railway track with any street which the same shall cross, to the extent of the width of the “track allowances,” the materials to be furnished by the company.

(3) Whenever the company break up, open or interfere with any street, the same shall be restored by the company, at their own expense, to its previous condition, under the supervision and to the satisfaction of the said engineer and with all practicable speed, as to which the said engineer shall be the judge.

8. While the rails are being laid, or any of the works of the company are in course of construction or repair, the company shall cause a free passage to be kept open for carriages and vehicles, and all surplus street material shall be either removed or spread over the street, from which the same shall be taken, as shall be directed by the said engineer.

9. The corporation, the council of the corporation, the water commissioners for the city of London, and their respective officers, servants and contractors, shall have the right to take up the streets, and remove the company’s tracks therefrom and from the bridges of the corporation, traversed by the said railway, either for the purpose of altering the grades thereof, constructing or repairing of drains, sewers or culverts, or laying down or repairing gas or water pipes, or for any other purpose for the the time being within the powers, privileges, duties or obligations of the corporation, without being liable to the company for any damage that may be

thereby



thereby occasioned to the said railway or the works connected therewith or the working thereof or to the company, and the corporation shall not be liable to the company for any damage the company may sustain from the breakage, leakage, or stoppage of sewers or water pipes, or from the exercise by the corporation of any of their said powers.

10.—(1) Whenever it shall be deemed expedient by the corporation or the council thereof under the provisions of the local improvement clauses of *The Consolidated Municipal Act, 1892*, or under any other act or authority to pave or re-pave, whether with materials different from what are now in use or not, any street, or portion of a street, upon or along which the railway tracks of the company, or any of them, are or shall be laid, the “track allowances” shall at the same time that the paving or re-paving is being done on the adjoining portions of the street be paved by and at the expense of the company, with the like materials, or such other materials as shall be approved of by the council of the corporation, and in the same manner as the adjoining portion of the said street is so paved or re-paved, and to the satisfaction of the said engineer, the company furnishing the materials, and the specifications for all such paving or re-paving to be done by the company, including the foundations therefor, under the provisions of this sub-section, shall be submitted to and approved of by the said engineer before any of the said work is commenced by the company, and thereafter the same shall be paved and kept in repair, to the satisfaction of the said engineer, by and at the expense of the company, the company furnishing the materials, and the company shall be responsible for and make good to the corporation all loss, damages, costs charges and expenses which the corporation may incur or be put to by reason of any failure of the company to conform to the provisions of this sub-section, or any delay on the company's part in so doing.

(2) It shall be the duty of the company, whenever any street, or portion of a street, is to be so paved or re-paved, to take up its tracks and sub-structures thereon, if and when the said engineer shall deem it necessary to do so, and re-lay the same according to the best modern practice and to the satisfaction of the said engineer.

11. In case the company shall fail to do to the satisfaction of the said engineer any work or thing which, by the terms of this by-law hereinbefore or hereinafter contained, they are to do, or in case the company shall fail to keep in a proper and sufficient state of repair the several tracks of the said railway or those portions of the streets which it is herein provided that the company shall be bound to keep in repair, or the said crossings, the said engineer may give written notice to the company (which may be served by leaving the same at the office of the company in the said city of London, or by mailing

ing the same by registered letter addressed to the company at the said city of London), specifying in general terms the nature of the work or thing which the company has failed to do, or the approximate locality of any such want of repair and, if the company shall not, within seven days thereafter, have done such work or thing, or put in proper repair such track, street or crossing, to the satisfaction of the said engineer, then such work or thing may be done and such repairs may be made by the corporation, or the council thereof, at the expense of the company, and the amount so expended may be recovered from the company in any court of competent jurisdiction, and, in case of the failure of the company to pay the same for the period of two months after the recovery of a judgment for any amount, all rights and privileges hereby, or by any agreement or by-law of the corporation, heretofore or hereafter granted to the company, shall cease, determine and be at an end, and in that event the corporation may exercise the other powers contained in section 56 hereof. Provided that such delay shall not relieve the company, in any case, from their liability, under the provisions of this by-law, to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work, or thing, or make the repair, in respect of which such notice shall be given.

12. No part of the said railway shall be opened to the public or put in operation until the said engineer shall have given his certificate in writing that such part is in good condition and has been constructed in all respects conformably to the provisions of this by-law.

13.—(1) Before breaking up, opening or interfering with any part of the said streets for the purpose of constructing or re-constructing the said railway, or any part thereof, the company shall give to the said engineer for the time being ten days' notice, in writing, of their intention so to do, and no more than three thousand lineal feet of the said streets shall, unless authority from No. 2 committee of the council of the corporation, or such other committee as may have charge of the streets, to do so shall be first obtained, be broken up or opened or interfered with at any one time, and, when the work thereon shall have been commenced, the same shall be proceeded with without intermission or delay, and as rapidly as the same can be carried on, with due regard to the proper and efficient construction, or re-construction (as the case may be) of the same, and subject to the supervision and to the satisfaction of the said engineer.

(2) Before commencing any other work of alteration or any repair the company shall give to the said engineer notice of their intention so to do and no more than one hundred lineal feet of the streets shall, without his authority in writing, be broken up or open at any one time or place, and, when the  
work

work of such alteration or repair shall have been commenced, the same shall be proceeded with without intermission and as rapidly as the same can be carried on with due regard to their proper alteration or repair, and subject to the supervision and to the satisfaction of the said engineer.

14. During the construction or repair of the said railway or of any work in connection therewith due and proper care shall be taken to leave sufficient space and crossings, so that the traffic on the said streets and other streets running into or crossing the same shall not be unnecessarily impeded and that the watercourses of the said streets shall be left free and unobstructed, and lights, barriers or watchmen and all other efficient means and precautions shall be provided, taken and kept by the company, when and where the same shall be necessary or shall be required by the said engineer and to his satisfaction, to prevent accidents or injury.

15. It shall be lawful for all and every person or persons whatsoever to travel upon and use the said tracks, except for street railway purposes, with horses, carriages or other vehicles, loaded or not, when and so often as they may please, so that they do not unnecessarily impede or interfere with the cars of the company running thereon.

16. The company shall construct, maintain and operate their system without causing any injury to or interference with any system of waterworks, telegraph, telephone electric light, gas, fire alarm or other service now or hereafter having the use of or being operated in, upon or under any of the streets of the said city of London, and shall be liable for all damages arising from or by reason of the construction, maintenance or operation of their railway system, and shall from time to time adopt and use the best modern means, satisfactory to the said engineer, to prevent any such injury or interference as aforesaid, and, should the company fail to adopt and use such means, the corporation may adopt and use the same and charge the cost thereof to the company, who shall pay the same to the corporation on demand.

17.—(1) The company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to or have to pay by reason of the exercise by the company of their powers, or any of them, or by reason of neglect by the company in the executing of their works, or any of them, or by reason of the improper or imperfect execution of their works, or any of them, or by reason of the said works becoming unsafe or out of repair, or by reason of the neglect or failure of the company to remove any snow or ice, which it is their duty to remove under the provisions of this by-law, or by reason of the neglect, failure or omission of the company to do or permit anything



anything herein agreed to be done or permitted, or by reason of any act, default or omission of the company or otherwise howsoever; and, should the corporation incur, pay, or be put to any such loss, damages, costs, charges or expenses, the company shall forthwith, upon demand, repay the same to the corporation.

(2) The company shall, by the use of guard-wires or other sufficient means, protect all the city fire alarm wires, and all telegraph, electric light, telephone and other wires, from contact with the electric wires which may be used by the company for the working of their railway. The said engineer shall be the judge as to the sufficiency of the means from time to time to be adopted for the purposes aforesaid, and his decision in the premises shall be binding on the corporation and the company.

18.—(1) The company shall place and continue on said railway new combination motor cars of the same pattern, and equal in finish and equipment to those now used on Euclid avenue, in the city of Cleveland, in the State of Ohio, and the same shall be in every respect equal or superior to the said cars; the company for this purpose to have the right to build loops, y's, or turntables at the end of each route; and all cars, whether motor cars or not, used by the company shall contain all the modern improvements, for the convenience and comfort of passengers, including lighting and heating, and shall be lighted and heated at such hours and for such periods of the year as the said engineer may from time to time require, and to his satisfaction, and the platforms shall be provided with gates or bars and each car shall be supplied and maintained with fenders of the most improved design, for the safety of the public, and with vestibules for the protection of the motor-men, all such gates, bars, fenders and vestibules to be satisfactory to the said engineer, and the company shall run the cars on their said railway and provide such service as, in the opinion of the council of the corporation, the public convenience may, from time to time, require, under such directions as the council of the corporation may from time to time prescribe; the said cars shall be kept clean inside and out, and no business signs shall be carried on the outside of the cars except hangers advertising entertainments, and the company shall improve their cars from time to time in accordance with the improvements in use on the best-equipped lines. All questions as to the cars to be used and improvements therein arising under this section shall be determined by the said engineer.

(2) Cars shall not be crowded (a comfortable number of passengers for each class of cars shall be from time to time determined by the said engineer, and approved by the council of the corporation); and no greater number of passengers shall



be carried upon or permitted to be in any car than the number so authorized, if any passenger on board the car objects and calls the attention of the conductor to the crowding.

19. If the company shall at any time permit any portion of the railway, or that portion of the roadway which is to be kept in repair by the company, to become out of repair, or in such condition as in the opinion of the said engineer it ought not, having regard to the terms of this by-law, to be, the said engineer may give to the company written notice (which may be served by leaving the same at the office of the company in the said city of London or by mailing the same by registered letter addressed to the company at the said city of London), specifying in general terms the approximate locality so by him considered to be out of repair or in such condition, and, if the same shall not have been within seven days thereafter put in proper repair and condition, by the company to the satisfaction of the said engineer, then the company shall not, if so required by the corporation, operate such part of the railway as may be reported by the said engineer to be, or may adjoin the said portion of the roadway so reported to be out of repair, or not in such proper condition, until the said engineer shall have certified that all necessary repairs and changes have been made to his satisfaction. Provided that such delay shall not relieve the company, in any case, from their liability, under the provisions of this by-law, to indemnify the corporation against loss or damage arising from the default or neglect of the company to do the work or thing or make the repair in respect of which such notice shall be given.

20.—(1) The privileges granted by this by-law shall extend until the eighth day of March, 1925, and the corporation may, after giving at least one year's notice, prior to the expiration of the said term, of their intention so to do, assume, at the expiration of the said term, the ownership of the said railway of the company, and all real and personal property used or employed in connection with the working thereof, on payment of the value thereof, to be determined by arbitration, and any arbitration under this section shall be subject to the provisions of *The Consolidated Municipal Act, 1892*, and of the Act respecting arbitrations and references, or any Acts substituted therefor or for the time being dealing with the said matters and the arbitrators shall have all the powers of arbitrators appointed under the said Acts, and each party shall pay half the costs of the arbitration.

(2) After the corporation shall have given such notice, they may at once proceed to arbitrate under the conditions in that behalf, and both the corporation and the company shall in every reasonable way facilitate such arbitration, and the arbitrators appointed in the matter shall proceed so as, if possible, to make their award not later than the expiration of the said term; but, if from any cause the award shall not be made by

such

such time, or if either party be dissatisfied with the award, the corporation may, nevertheless, take possession of the said railway and all the property and effects thereof, real and personal, necessary to be used or employed in connection with the working thereof, on paying into court the amount of such award, if the award be made, or if not, on paying into court, or to the company, such sum of money as a judge of the High Court of Justice may, after notice to the company, order, and, upon and subject and according to such terms, stipulations and conditions as the said judge shall, by his order, direct and prescribe, provided always that the rights of the parties, except in so far as herein specially provided, shall not be affected or prejudiced thereby. In determining such value, the rights and privileges hereby granted, and the revenue, profits and dividends being or likely to be derived from the enterprise, are not to be taken into consideration, but the arbitrators are to consider only the actual value of the actual and tangible property, plant, pavements, equipments and works connected with and necessary to the operation of the said railway, which is not to include any land, property or rights acquired or used in connection with the said railway and which do not actually form a part of the said railway undertaking or are not necessary to the carrying on of the same, but no allowance shall be made in respect of pavements except such only as shall be hereafter constructed by the company under the provisions of section 10 of this by-law, and in arriving at the allowance for such pavements due regard shall be had to the average life of such pavements and their state of repair and condition at the time of the arbitration, and the original cost shall not be estimated higher than the price paid by the corporation for the same class of pavement on the same street laid by the corporation at the same time, and the arbitrators shall allow the company for the bridges and superstructures which shall be constructed by the company under the provisions of sub-sections 1, 2 (a), 2 (b), 3 (a) and 3 (b) of section 49 hereof, regard only being had to the value of the said bridges and superstructures as structures and to their state of repair and condition at the time of the arbitration, less one-half of the value of the superstructure of Victoria bridge as found by the said arbitrators if the same be constructed by the company under the provisions of the said sub-section 2 (a), and less also one-half of what shall be allowed by the said arbitrators for the superstructure mentioned in sub-section 3 (a) of section 49 hereof, if the same be constructed by the company under the provisions of the said sub-section 3 (a).

(3) In arriving at such value the arbitrators are to consider and award only the value of the said several particulars to the corporation at the time of the arbitration, having regard to the requirements of a railway of the best kind and system then in operation and applicable to the said city.

(4) In the event of the corporation not exercising at the expiration of the said period of fifty years from the eighth day of March, A.D., 1875, the right to take over the railway and the real and personal property necessary to be used in connection with the working of the said railway, the corporation may, at the expiration of any fifth year thereafter, and so at the expiration of periods of five years, reckoned from the expiration of the previous five years, exercise such right, upon giving not less than one year's previous notice to the company of their intention so to do; and the privileges, duties, obligations and liabilities hereunder of the company shall continue until the ownership is assumed by the corporation as aforesaid or possession taken under the provisions of this section as above mentioned, provided always that whenever the corporation exercise such right of taking over the said property, the provisions for determining the value thereof herein contained and the other provisions of sub-section 2 of this section shall apply *mutatis mutandis* in the same manner as if the corporation had exercised their rights at the expiration of the said period of fifty years, that is to say on the eighth day of March, A.D., 1925.

21. The company shall establish and lay down new lines and extend the tracks and street car service on such streets or parts thereof as may from time to time be directed by the council of the corporation within such periods (not being earlier than one year from the passing of the by-law or by-laws respectively) as may from time to time be fixed by a by-law or by-laws passed by a vote of two-thirds of all the members of the council of the corporation, and all such extensions and new lines shall be regulated by the same terms and conditions as are in this by-law contained, and the right to operate the same shall terminate at the expiration of the term limited by this by-law with respect to the existing system. Provided that no such new line or extension shall render the proportion of additional track mileage to population more than one mile of track, exclusive of side tracks, switches, y's, loops, turntables and turn-outs, to every two thousand inhabitants of the city as now existing or hereafter extended, in excess of a population of 35,000, and the new line or extension shall be of single or double track according as the portion of the track to which it is to be added or connected is single or double. Each mile of double track shall be reckoned as two miles of single track, but side tracks, switches, y's, loops, turntables and turn-outs shall not be included in any such reckoning, and for the purposes of this by-law except where otherwise provided the population as ascertained by the last Dominion or municipal census, whichever shall be the latest, shall be deemed the actual population.

22. In case the company fail to establish and lay down any new line as aforesaid and to open the same for traffic, or to extend and maintain the tracks and service on any street or  
streets



streets or parts thereof within such periods as may be fixed as aforesaid, the corporation, by resolution of the council thereof, may declare that the company has forfeited all privileges and rights which it may have acquired by this by-law or any other by-law heretofore or hereafter passed or by any agreement with the corporation heretofore or hereafter made, and may repeal the by-laws connected therewith, and the said privileges and rights shall be forfeited accordingly and the said agreements rescinded, and in such case the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any agreement to be removed therefrom and the said streets to be put in as good condition and repair as they were before the said materials and obstructions were placed thereon, and the expense thereof shall be paid to the corporation by the company; and the corporation shall also have the right to run the said railway and to grant the same rights and privileges to any other company, free from all charges or liabilities for damage on account thereof. No new lines, or extensions of existing lines, shall be opened for traffic until the company shall have obtained a certificate in writing from the said engineer that the same have been constructed to his satisfaction, and in accordance with the terms of this by-law.

23. The company, in changing their system and performing the other work provided for by this by-law, and in maintaining and operating their railway, will, so far as is practicable so to do, employ residents of the city of London.

24. No more switches, side tracks and turn-outs than are necessary shall be laid and not more than one of any or either kind in a distance of fifteen hundred lineal feet (except at curves on lines where the track changes its direction from one street to another, at which places the company may lay double tracks around such curves under the direction and to the satisfaction of the said engineer) without the consent in writing of the said engineer, and any rails, curves, switches, side tracks, turn-outs or any portions of the tracks or work not satisfactory to the said engineer shall be forthwith made satisfactory to the said engineer or removed by the company at their own expense, and the street on which the same shall have been laid restored to its original condition, to the satisfaction of the said engineer.

25. The following rules and regulations in regard to the working of the railway shall be observed by the company and the officers and servants thereof:

(a) The cars to be used on the said railway shall be propelled by electricity as the motive power, and smoking will be allowed on the rear two seats and rear platforms of open cars.

(b) The council of the corporation may require that the cars used shall commence running as early as six o'clock in the forenoon of each day of the year (Sundays excepted) and that they



they shall continue to run for seventeen hours thereafter, but the company may, at their own option, run their cars for more than seventeen hours in each day.

(c) The company shall use only passenger cars, mail cars, cars used for the construction of the company's railroad whilst the same is being constructed, cars for hauling gravel for the corporation, or for the maintenance of the company's railroad, cars for street watering, snow-cars for the purposes mentioned in this by-law, and such other cars as the council of the corporation may from time to time by by-law permit; and all cars, of every description used by the company, shall be used and run under and subject to such regulations as the council of the corporation may from time to time by by-law prescribe.

(d) The company may charge and collect from every person on entering any of their cars, for a continuous journey of any distance on their railway, from any point thereon to any other point on a main or branch line, within the limits of the city of London, as now existing or hereafter extended, a sum not exceeding five cents, except for children under five years of age accompanied by a parent or other person having them in charge, such children to travel free; and shall sell tickets at the price of twenty-five cents for seven tickets, each ticket to entitle the holder to one continuous journey on the cars as aforesaid, between the hour when the cars commence running and 12 o'clock midnight, and shall also sell another class of tickets at the price of twenty-five cents for nine tickets, the same to entitle the holder to one continuous journey on the cars as aforesaid, between the hours of 6.30 a.m. and 8 a.m., and between the hours of 5 and 6.30 p.m., and shall also carry children between the ages of five and twelve years for a cash fare of three cents and shall sell two children's tickets, good for children between the ages of five and twelve years, at the price of five cents, and shall also carry free of charge all police constables in uniform, and all city firemen in uniform or wearing badges when going to or returning from a fire, health and water inspectors, and city detectives wearing badges; and the company shall grant transfers without any additional charge for both adults and children, from any point on their lines to any other point thereon, within the limits of the city of London, as now existing or hereafter extended, for a continuous journey, which is not a return trip, and shall from time to time make proper and sufficient arrangements, to the satisfaction of the said engineer, for the purpose of such transfers. The fares set out in this section shall not apply to chartered or private cars. No person, save as aforesaid, and save also employees in the service of the company, shall be permitted to travel free upon any of the cars of the company.

(e) Cars running in the same direction, or in opposite directions, on the same track, shall not approach each other within a distance of sixty feet, except in cases of accident or

when

when it may be necessary to connect them together, or at stations and turn-outs, and the rate of speed of all cars shall be from time to time subject to the direction of the said council of the corporation; and the rates of speed may vary on different parts of the lines.

(*f*) While the cars are turning the corners of streets they shall be run at a rate of not more than three miles an hour.

(*g*) No car shall be allowed to stop on or over a crossing or in front of any intersecting street except to avoid collision or to prevent danger to persons in the streets, or for other unavoidable reasons, and no car shall be left or remain standing in the street at any time unless waiting for passengers, and no more than three cars shall be coupled together.

(*h*) There shall be not less than two men in charge of each motor car, and at least one man in charge of each trailer or other car.

(*i*) Careful, sober and civil agents, conductors and officers shall at all times be employed to take charge of the cars on the said railway.

(*j*) It shall be the duty of the motormen in charge of cars while on the road to keep a vigilant watch for all teams, carriages and persons on foot (and especially children) either upon the track or moving towards it, and to stop the car in the shortest time and space possible on the slightest appearance of danger.

(*k*) The conductors shall announce to the passengers the names of the streets and public squares as the cars approach them.

(*l*) The conductors and motormen shall bring the cars to a stop (when passengers request to get on or off the cars) at all street intersections and such other places as may be from time to time designated by the said engineer, provided that two stopping places are not so designated within a distance of 400 feet

(*m*) The conductors shall not allow any woman or child or aged or infirm person to enter or leave the cars while in motion, and no passenger shall be allowed to enter or leave the cars on the left side (looking forward), of the car.

(*n*) The cars, after sunset, shall be provided with colored signal lights of a different color for each route and a bright head-light on every motor car, all to be approved of by the said engineer, and each motor car shall have a gong attached to it which shall be kept ringing at all times when approaching a crossing or when necessary to give warning.

(*o*) The cars shall be entitled to the track, and any horse or vehicle upon the track of the company shall turn out when any car comes up so as to leave the track unobstructed, and any one placing an obstruction on the track, except as authorized

ized by this by-law, or the driver of any vehicle refusing to turn out when requested so to do by the motorman of any car, shall be liable to a penalty not exceeding ten dollars and the costs of prosecution on conviction before the police magistrate, and such penalty may be imposed for every day that such obstruction may continue, but the imposition of any penalty under this by-law shall not relieve the persons causing such obstruction from liability for damages or from any other liability or penalty imposed by law; but, if any person or persons shall have any cause to remove any building or other large and heavy substance, such person or persons shall be allowed reasonable and sufficient time between the hours of 11 p.m. and 6 a.m. to remove, load or unload the same without being liable to the penalty attached by this sub-section, provided that any person or persons before removing any building along or across the railway track shall first obtain the consent in writing of the said engineer for such removal and shall give reasonable notice thereof to the president, secretary, manager or superintendent of the company and shall pay the company the cost of cutting their wires and splicing them.

(p) Ten hours shall constitute a working day and no employee of the company shall be permitted to work in the service of the company for a longer period than 240 hours in any lunar month.

(q) Any conductor or other employee of the company who shall request or demand from any passenger more than the fare prescribed by this by-law shall, on conviction thereof in the police court, pay a fine of not less than five dollars for each offence.

(r) The company shall keep a sufficient supply of tickets for sale at some place in the business portion of the city convenient from time to time for the public, and also upon all their cars in service, and they shall sell tickets to all persons desiring to purchase the same at the rates mentioned in sub-section "d" of section 25 hereof, and each conductor or person in charge of a car shall furnish necessary change to the amount of \$2, but not more, when required by any passenger.

(s) The speed and service necessary on each main line, part of same or branch shall be determined from time to time and may be altered, changed or varied by the order of the said engineer, approved by the council of the corporation, and all cars shall be run at such intervals as the said engineer, with the approval of the council of the corporation, may from time to time determine. And the council of the corporation may from time to time, as they may see fit, by a vote of two-thirds of all the members of the council of the corporation change or vary any route or routes adopted or changed from time to time by the company, and the company shall thereafter run their cars according to the route or routes so changed or varied by the council of the corporation for at least six conse-

cutive



cutive months, and the company shall not make any change in any route more often than twice in any year. The company shall furnish the council of the corporation with a written statement of the routes first adopted by the company within six months from the passing of this by-law, and each and every change in such routes shall immediately after such change be notified in writing by the company to the council of the corporation.

(t) When crossing any bridge of the corporation or the overhead railway bridge on the Wharnccliffe highway, and whilst within the distance of 100 lineal feet from any bridge of the corporation or company or the said overhead railway bridge, no car shall be run at a rate of speed exceeding four miles an hour, and not more than one car or train of attached cars shall at any one time be allowed to cross or be upon any bridge of the corporation.

(u) The corporation shall be at liberty from time to time by by-law or resolution to change the time fixed by sub-section (d) of section 25 hereof at between 5 p.m. and 6.30 p.m., when the holder of a ticket purchased at the price of twenty-five cents for nine tickets, shall be entitled to one continuous journey on the cars as aforesaid, to such other time in the afternoon as the council of the corporation may from time to time deem expedient to suit the convenience of the working classes returning from work, provided that the times between which the said tickets may be so used as aforesaid, and so fixed from time to time by the corporation, shall not exceed an hour and a-half in each afternoon, and all said tickets issued by the company before such change and not used at the time of such change shall thereafter be good only for the hours substituted by the council of the corporation as aforesaid, and between the hours of 6.30 a.m., and 8 a.m.

26. In case of a breach on the part of the company of any of the provisions of the foregoing regulations lettered b, c, d, e, f, g, h, k, l, m, n, p, r, and t, the company shall pay to the corporation for every day in which default or breach shall happen, as liquidated and ascertained damages, the sum of ten dollars, and in case such breach of any of the said regulations lettered d, r, and s shall continue for ten days after notice in writing forbidding it shall have been given by the corporation to the company, the corporation may put an end to the powers conferred on the company by this by-law, or any other by-law or agreement heretofore or hereafter passed or made, and in that event the corporation may exercise the other powers contained in section 56 hereof.

27. The company shall cause to be painted in large, plain letters, on a conspicuous place on the outside of each car, the number thereof and the name of the route or street along or upon which the car is to be run, so that such name and num-



ber may be readily seen and read by day or night, and to the satisfaction of the said engineer, and each person employed in running a car shall, when so employed, have his number conspicuously shown.

28. The company shall from time to time adopt and use all the most improved safeguards against, and means of preventing accidents and injury in the working and running of their railway, and the same shall be from time to time subject to the approval and direction of the said engineer.

29. The location of the line of the said railway on the said streets, and the position of the rails, switches, turn-outs and other works thereon shall be shown upon plans, with figured dimensions showing the distance of all their works from the side-lines of the streets, which shall be submitted to the said engineer and the council of the corporation, and none of the said works shall be commenced until the said plans have been submitted to and approved of by the council of the corporation and the said engineer.

30. The points, switches and appliances to be used by the company in the construction of the track, the radius of all curves, and the position, location and extent of the switches, side tracks, curves, loops, y's, turntables and turn-outs, shall be subject to the approval of the said engineer, but the said engineer shall not limit the length of any switch or side track, if and where such switch or side track is allowed by him to be constructed, to less than 250 feet over all from outside points to outside points.

31. No motive power, other than electricity, shall be used by the company except with the approval of the corporation, unless in cases of accident or necessity, and then only under the written permission of the said engineer, when horses or mules may be used for the time so permitted by the said engineer.

32. The company shall not in any case connect any of their wires with the water pipes or service pipes or with any of the appliances in connection therewith without the consent in writing of the corporation, and the company shall and will at their own expense, remove any such connections, whether made with such consent or not, when required to do so by the corporation, and shall and will make good to the corporation all loss, injury, damage and expense that the corporation may have incurred or may be put to or incur by reason of the said connections having been made, whether made with such consent or not.

33. It is hereby reserved to the council of the corporation to make, and the council shall have the right to make, such further rules, regulations, orders and by-laws in relation to the repairs and operation of the said railway as from time to

time may be deemed necessary to protect the interests of the corporation, or to provide for the safety, welfare or accommodation of the public, but no alteration in these rules shall be made which shall have the effect of impairing the substantial rights of the company under this by-law.

34. Nothing herein contained shall entitle the company to run their cars or operate their railway on Sundays, and the company shall not run or permit any car to be run on their railway or any portion thereof upon any Sunday.

35. No new line or extension or additional track shall be built by the company on any of the streets of the said city of London except under authority first obtained by by-law of the council of the corporation.

36.—(1) The poles to be used for the company's wires on Richmond street from the Grand Trunk Railway company's track to Central avenue, and on Dundas street between Ridout and Wellington streets, shall be iron and of the most improved pattern, except where the company shall, with the written consent of the said engineer, and while they are so permitted, use the poles of any telegraph or telephone company, and on all other streets traversed by the railway, the company may use for their wires for said railway, wooden poles, and the wooden poles used by the company shall all be straight and perpendicular, and as nearly as possible of the same shape and size, and shall be dressed throughout, and all poles, both iron and wooden, shall be painted throughout and shall be placed on the sides of the streets, unless otherwise directed by the said engineer, and all the poles of the company shall be placed in such manner as to obstruct as little as possible the use of the streets for other purposes, and the pattern and description of all the said poles shall be approved of by, and they shall be placed under the supervision and to the satisfaction of the said engineer, and the poles shall be kept in repair and painted as aforesaid to the satisfaction of the said engineer, and all earth and refuse placed upon the streets or any portion thereof in digging the post-holes and erecting the poles shall be immediately removed by the company, and, in default thereof the same may be removed by the said engineer at the expense of the company and the cost of such removal shall be paid by the company to the corporation on demand.

(2) In case any pole shall be placed or erected otherwise than in accordance with the provisions of this section, or shall not be kept in repair or be re-painted as aforesaid, the said engineer or the corporation may require it to be immediately removed and replaced by a proper one, or to be repaired and re-painted, and, in default of that being done, may remove such pole or remove and replace it by a proper one, or repair and re-paint it, as the case may require, at the expense of the company; but the said engineer or the corporation shall not

exercise

exercise the rights by this sub-section conferred with respect to re-painting the poles or any of them until thirty days' notice in writing has been given by the said Engineer to the company (which may be served by leaving the same at the office of the company in the said city of London, or by mailing the same by registered letter, addressed to the company at the said city of London), requiring the company to re-paint the said poles or pole, nor if the company within the said thirty days re-paint the said poles or pole to the satisfaction of the said engineer.

37. Where, in case of fire, the chief engineer or person there in charge of the fire brigade, or portion thereof there engaged, shall deem it necessary, he shall have the right to cut or pull down any wires of the company which in his judgment obstruct the operations of the firemen, or to direct that they shall be cut or pulled down, and also to require the company to stop the running of their cars to or near the building or buildings which may be on fire, or the fire engines, hose or other appliances in use at such fire, and the corporation shall not be liable for any loss or damage caused thereby.

38.—(1) The company shall, at their own expense, from time to time remove from such streets or portions of streets as the council of the corporation may from time to time by law direct (not exceeding in all under this sub-section two miles in length thereof), from curb to curb, and where there are no curbs, from sidewalk to sidewalk, the snow and ice which shall fall or form thereon, and the snow and ice which shall fall or form on the roofs of buildings on such streets and fall or be removed therefrom and be deposited on such streets and the snow and ice which shall fall or form on the sidewalks of such streets and be removed therefrom and deposited on such streets. Provided, however, that snow to such depth as may be from time to time determined by the said Engineer shall be left on the roadway outside of the "track allowances" for sleighing. Provided also that the company shall not be compelled to remove any snow or ice under the provisions of this sub-section, unless the depth of the snow or ice exceeds six inches, and then only to within six inches of the surface of the roadway.

(2) The corporation may from time to time change the streets or portions of the streets from which the snow and ice shall be so removed by the company, provided that the total length of streets or portions of streets from which the snow and ice is to be so removed does not exceed the total length of streets or portions of streets provided for by sub-section 1 of this section, but no such change shall, if made after the first snowfall of a winter, come into force until the following winter, and in the meantime the former streets or portions of the streets shall govern.



(3) In the event of the company neglecting to remove the snow and ice from the said streets as and when directed by the said engineer, the same may be removed by the said engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation on demand. The company shall not deposit any of the snow or ice so removed on any of the streets of the city without the written permission of the said engineer.

(4) The company shall not use salt for the removal of any snow or ice.

(5) The total length of the streets or portions of streets from which the snow and ice shall be removed by the company, as by sub-section 1 of this section provided, may be increased by the corporation according to the growth of the population of the city, as now existing or hereafter extended, to the extent of one-quarter of a lineal mile of street for every four thousand increase in population of the city as now existing or hereafter extended, the population of the city for the purpose of this sub-section to be deemed and taken to be now 35,000.

(6) Should the corporation desire to remove the snow and ice from any of the other streets traversed by the said railway or any portion thereof, not provided for in sub-section 1 of this section, or the extensions made as provided by the next preceding sub-section, the company shall be bound to furnish from time to time free of charge, when required so to do by the council of the corporation or the said engineer, snow-cars for the purpose of removing the snow and ice from such other streets or portions thereof, and, when and so soon as the same shall be loaded by the corporation or its servants or workmen, to haul the same free of charge to such place or places on their line of railway as the said engineer shall direct, and the corporation shall unload the said cars. Provided that the hauling of such cars shall not interfere with the general traffic of the company, but the corporation may require the use of the said cars and the hauling of the same by the company as aforesaid between the hours of 11 p.m. and 6 a.m., and in such events this proviso shall not apply.

(7) Provided, however, that the company shall not be bound to furnish cars as by the next preceding sub-section provided whilst the same are actually and necessarily being used by the company for the removal of the snow from the "track allowances."

39. Nothing in the next preceding section contained shall be deemed to authorize or permit any person to deposit on the streets of the city any snow or ice removed from the roofs of the buildings.



40. (1) Whenever the company shall remove any snow or ice from the "track allowances" or any part thereof, the same shall be entirely removed by them from the streets or shall be evenly spread over the streets of the city, under the direction and to the satisfaction of the said Engineer, if and so long as the said engineer directs the company by notice in writing so to do, and wherever the snow or ice is removed from their tracks, the company shall, when removing the same, slant down the adjoining snow and ice to such a distance outside of their tracks as to make the streets safe and convenient for the travelling public and to the satisfaction of the said engineer.

(2) In the event of the company at any time neglecting to perform the work in the next preceding sub-section mentioned as therein provided, and as and when directed by the said engineer, such work may be done by the said engineer acting on behalf of the corporation, and the cost of such removal shall be paid by the company to the corporation, on demand.

41. The company may, under the supervision and to the satisfaction of the said engineer, lay such curves, switches, loops, y's or turn-outs as the said engineer shall deem necessary for the purpose of connecting their operating tracks with their power houses, car barns, storage sheds, yards or repair shops.

42. All workshops, principal repair shops and car sheds of the company shall be and continue, during the continuance of this by-law, or the extension of the company's rights thereunder, in the said city of London.

43 In the event of any other person, persons or company proposing to construct a railway or railways on any of the streets of the said city of London, other than the streets and portions of the streets mentioned in sub-section 2 of section 50 of this by-law, the matter and substance of the proposal shall be notified to the company and the option of constructing such proposed railway or railways on the conditions contained in this by-law, or the conditions contained in such proposal as the corporation may elect, shall be offered to the company, but, if such option shall not be accepted by the company within thirty days after such notification, or, if the same having been accepted, the company shall not proceed with the necessary work and complete the same within the time by the corporation fixed for that purpose, then the corporation may grant the privilege to any other person, persons or company, and the corporation and its grantees shall be entitled to cross the railways of the company by other railways traversing other streets; provided always that nothing herein contained shall be taken to bind the corporation to grant to the company or any one else the right to construct a railway or railways upon any streets other than those herein specially named,

44. In case of non-payment of any fine and costs imposed under sub-section "o" or sub-section "q" of section 25 of this By-law, the same may be levied by distress and sale of the goods and chattels of the offender; and, in case of non-payment of the fine, and there being no distress found out of which the same can be levied, such offender shall be liable to be imprisoned in the common gaol of the county of Middlesex, with or without hard labor, for any period not exceeding twenty-one days.

45. All rights hereby granted are so granted subject to any existing rights, statutory or otherwise, which are now possessed by any gas, telegraph, telephone, electric light or other company in or in respect of the streets and highways in the said city.

46. In all the sections of this by-law in which the time of the day is mentioned, such time shall be understood to mean what is known at the said city of London as eastern standard time.

47. Permission is hereby given and granted to the company, within twelve months from the passing of this by-law, to take up and remove their tracks and works from Pall Mall street in the said city, leaving the said street in as good condition after as before such removal, and to the satisfaction of the said engineer.

48. Should the company at any time cease to regularly use for the purposes of their railway, for a period of five months, the poles and wires and overhead appliances and construction which shall be placed by the company in the streets, the said engineer or the council of the corporation may give written notice to the company (which may be served by leaving the same at the office of the company in the said city of London, or by mailing the same by registered letter addressed to the company at the said city of London) directing the company to remove the said poles and wires and overhead appliances and construction and, if the company shall not within one month after the service of such notice, at their own expense, remove such poles, wires and overhead appliances and construction and put the streets in proper repair, and to the satisfaction of the said engineer, the corporation may do so and charge the expense thereof to the company, who shall pay the same to the corporation, on demand.

49.—(1) The company shall, at their own expense and to the satisfaction of the said engineer, be permitted and they shall be bound to extend the abutments of the Westminster, otherwise called York street, bridge, on the north or south side of the said bridge at the option of the corporation, doing no injury to the existing abutments or bridge, and to construct and erect upon such abutments so extended by them a good, safe and sufficient bridge for the purposes of their railway only,

only, and if the corporation contributes \$300 towards the cost thereof the company shall also be bound to construct a sidewalk five feet wide, for the use of the public on the outer side of their said bridge, and to make and construct the necessary approaches thereto, such bridge so to be constructed by them as not in any way to interfere with the existing Westminster, otherwise called York street, bridge, and such additions to the abutments, bridge, sidewalk and approaches shall be so made and constructed by them to the satisfaction of the said engineer, and be maintained and kept in repair during the continuance of this by-law or of the rights of the company thereunder by and at the expense of the company and to the satisfaction of the said engineer; and the works by this sub-section provided to be done by the company shall be done and completed by the company within eighteen months from the passing of this by-law and in the preparation for and in the performance of such works the company shall not in any way that the said engineer may deem to be unnecessary or avoidable interfere with the traffic over the said Westminster, otherwise called York street, bridge, or the approaches thereto.

2.—(a) The company shall, at their own expense and to the satisfaction of the said engineer, be permitted, and they shall be bound, either to remove the present superstructure of Victoria bridge, and to erect and construct a good and sufficient superstructure in its place, with a roadway of the width of at least twenty-five feet, and a sidewalk of the width of at least five feet; and to cross such new superstructure by their track to be laid as provided by sub-section 9 of section 50 hereof, and, if the said engineer shall deem it necessary to do so, shall strengthen and add to the abutments of the said bridge, and do such other work as the said engineer may deem necessary, so that the said bridge shall be absolutely safe for the passage of electric cars, and for the citizens and public generally, and the company shall, at their own expense, divide and separate the sidewalk and the roadway from the portion of the said bridge, which shall be occupied by their said track, by iron fences or railings satisfactory to the said engineer (the material in the old superstructure, if and when removed, to become and be the property of the company); (b) or, at the option of the company, they shall at their own expense extend the abutments of the said Victoria bridge, doing no injury to the existing abutments or bridge, and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge, for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed by them as not in any way, that the said engineer may deem to be unnecessary or avoidable, to interfere with the existing bridge, or the approaches thereto; and the performance of the work provided for by sub-sections 2 (a) and 2 (b) of this section shall be completed within twelve weeks from the time of the commencement of the same, and within eighteen months  
from



from the passing of this by-law ; and all of the work provided to be done under sub-sections 2 (a) and 2 (b) of this section and the materials therefor, shall be done and provided to the satisfaction of the said engineer ; and the corporation will during the continuance of this by-law, or of the rights of the company thereunder, if the company remove the old superstructure and construct a new superstructure as hereinbefore provided, maintain and keep in repair and if and when necessary renew the said bridge, both sub-structure and superstructure, and the company shall from time to time on demand being made therefor pay to the corporation one-half the necessary and reasonable cost of maintaining and keeping in repair and of renewing, if necessary, the said bridge, both substructure and superstructure, the amount thereof, in case of dispute between the said parties, to be settled by the said engineer whose decision shall be final and conclusive ; but if the company elect to construct a new bridge for the purposes of their railway only, as hereinbefore provided, they shall at their own expense during the continuance of this by-law or of the rights of the company thereunder maintain and keep in repair, and of sufficient strength, their new bridge, including the additions to the abutments and the approaches, to the satisfaction of the said engineer, and not more than one bridge on the south branch of the river shall be closed by the company to traffic whilst they are performing any work under the provisions of this section.

3.—(a) The company shall, at their own expense, and to the satisfaction of the said engineer, be permitted, and they shall be bound, either to remove the present superstructure of Clark's bridge, and to erect and construct a good and sufficient superstructure in its place, with a roadway of the width of at least twenty-five feet, and a sidewalk of the width of at least five feet ; and to cross such new superstructure by their track to be laid as provided by sub-section 8 of section 50 hereof, and if the said engineer shall deem it necessary to do so, shall strengthen and add to the abutments of the said bridge, and do such other work as the said engineer may deem necessary, so that the said bridge shall be absolutely safe for the passage of electric cars, and for the citizens and public generally, and the company shall, at their own expense, divide and separate the sidewalk and the roadway from the portion of the said bridge which shall be occupied by their said track, by iron fences or railings satisfactory to the said engineer, (the material in the old superstructure, if and when removed, to become and be the property of the company) ; (b) or, at the option of the company, they shall at their own expense extend the abutments of the said Clark's bridge, doing no injury to the existing abutments or bridge, and construct and erect upon such abutments so extended by them a good, safe and sufficient bridge, for the purposes of their railway only, and shall make and construct the necessary approaches thereto, such bridge to be so constructed



structed by them as not in any way, that the said engineer may deem to be unnecessary or avoidable, to interfere with the existing bridge, or the approaches thereto; and the performance of the work provided for by sub-sections 3 (a) and 3 (b) of this section shall be completed within twelve weeks from the time of the commencement of the same, and within eighteen months from the passing of this by-law; and all of the work provided to be done under sub-sections 3 (a) and 3 (b) of this section, and the materials therefor, shall be done and provided to the satisfaction of the said engineer; and the corporation will during the continuance of this by-law, or of the rights of the company thereunder, if the company remove the old superstructure and construct a new superstructure as hereinbefore provided, maintain and keep in repair and if and when necessary renew the said bridge, both sub-structure and superstructure, and the company shall from time to time on demand being made therefor pay to the corporation one-half the necessary and reasonable cost of maintaining and keeping in repair and of renewing, if necessary, the said bridge, both sub-structure and superstructure, the amount thereof, in case of dispute between the said parties, to be settled by the said engineer whose decision shall be final and conclusive; but if the company elect to construct a new bridge for the purpose of their railway only, as hereinbefore provided, they shall during the continuance of this by-law or of the rights of the company thereunder, at their own expense maintain and keep in repair, and of sufficient strength, their new bridge, including the additions to the abutments and the approaches, to the satisfaction of the said engineer.

(4) The company shall be at liberty, at their own expense, so far as the corporation have power to grant the same, to extend the abutments of the Dundas street, otherwise called Kensington bridge, doing no injury to the said abutments or bridge, and build a separate bridge, alongside of the said Dundas street, otherwise called Kensington bridge, for the use of their railway, provided that such extension of the abutments and building of the bridge be done to the satisfaction of the said engineer and so as not to interfere, in any way that the said engineer may deem unnecessary or avoidable, with the traffic upon the said Dundas street, otherwise called Kensington bridge, and that any approaches necessary to be made for such separate bridge shall be made by and at the expense of the company and to the satisfaction of the said engineer and without interfering in any way that the said engineer may deem to be unnecessary or avoidable with the traffic over the said bridge or the traffic on the streets adjacent thereto in the said city, and thereafter the company shall during the continuance of this by-law or the rights of the company thereunder, at their own expense, maintain and keep in repair their said separate bridge, including the additions to the abutments and the approaches.

(5) The company shall be at liberty, at their own expense, so far as the corporation have power to grant the same, instead of extending the abutments as provided by sub-sections 1, 2 (b), 3 (b) and 4 of this section, to construct and erect steel cylinders, and to lay from the said steel cylinders to and upon the abutments and piers of the existing bridges girders to support the said separate bridges of the company and shall make and construct the necessary approaches thereto, and in the preparation for and in the performance of the said works, the company shall not in any way, that the said engineer may deem to be unnecessary or avoidable, interfere with the existing bridges, or the traffic over the same, or the approaches thereto, and the performance of the work permitted by this sub-section shall be completed within eighteen months from the passing of this by-law, and all of the said works and the materials therefor shall be done and provided to the satisfaction of the said engineer, and the company shall, at their own expense, during the continuance of this by-law or of the rights of the company thereunder, maintain and keep in repair and of sufficient strength their said separate bridges, including the said works and approaches, to the satisfaction of the said engineer; and before commencing any of the said works, the company shall submit plans of the proposed works to the corporation, and the same shall be first approved of by the said engineer. In the event of the works or any of them permitted by this sub-section to be done by the company being done by the company and any injury or damage arising or being done by reason of the construction, maintenance, repair or want of repair of the said works or any of them to the piers or abutments or any of them or any portion of the bridges of the corporation or to the corporation by reason of the said works or any of them, or to the said Kensington bridge, the company shall indemnify and save harmless the corporation at all times from all loss, damages, costs, charges and expenses of every nature and kind whatsoever which the corporation may incur, be put to or have to pay by reason of the construction, maintenance, repair or want of repair of the said works or any of them. Provided that the corporation shall not be liable for any delays that may be caused by reason of the works in this section referred to or any of them.

(6) The company shall not construct any track upon or use the said bridges or any of them except under the conditions and for the purposes mentioned in this section and the company shall, before commencing any work in connection with the alteration, addition to or strengthening of the said bridges or abutments or any of them, submit plans of the proposed works to the corporation and the same shall be first approved of by the said engineer.

50.—(1) The company shall, within one year from the passing of this by-law, construct an electric surface railway to the property of the corporation of the city of London known as Springbank, in the township of Westminster, or to a point on the north side of the river Thames opposite thereto, on such route as the company shall decide upon, and the said railway shall be completed and connected by their railway in the village of London West or otherwise with the railway, the construction of which is provided for by this by-law, and the electric cars shall be running efficiently thereon and the whole of the works be in full operation upon such railway within one year from the passing of this by-law, and the company shall continue to operate the said railway during the months of May, June, July, August, September and October in each year during the continuance of this by-law or of the rights of the company thereunder in a proper and efficient manner for the accommodation of the citizens of the said city of London, from the time of the completion of the same.

(2) The streets referred to in the first section hereof and to which the permission and authority hereby granted shall extend are Dundas street from the River Thames easterly to the easterly limit of the city; Richmond street from Horton street to Huron street; Oxford street from Adelaide street westerly to Richmond street; Central avenue from Richmond street easterly to Adelaide street; Adelaide street from Central avenue south to Dundas street; Ridout street from Horton street south to Elmwood avenue; York street from Richmond street to the River Thames and over the River Thames by the bridge to be constructed by the company under sub-section 1 of section 49 hereof; Stanley street from the River Thames to the Wharnccliffe highway; the Wharnccliffe highway from Stanley street to Askin street; Askin street from the Wharnccliffe highway easterly to the Wortley road; the Wortley road from Askin street southerly to Elmwood avenue; Elmwood avenue from the Wortley road east to Ridout street south; Thames street from York street southerly to Horton street; Horton street from Thames street easterly to the Hamilton road; Wellington street from Horton street southerly to Front street; High street from Front street to Maryboro' place; Hamilton road from Horton street to Rectory street; Hamilton road from Rectory street to Egerton street, and Egerton street from the Hamilton road to Pine street.

(3) The company shall, instead of extending their tracks on the Hamilton road from Rectory street to Egerton street and on Egerton street from the Hamilton road to Pine street, provided a free crossing be obtained over the Grand Trunk Railway Company's tracks on Rectory street, within one year from the passing of this by-law, lay their tracks on Rectory street from Dundas street southerly to the Hamilton road, within the said period of eighteen months from the passing of this by-law.

(4)



(4) The company shall, within two years from the passing of this by-law, provided that within one year from the passing of this by-law the permission and authority of The Proof Line Road Company, referred to in section 2 hereof, be not obtained by the company as in the said section provided, construct their tracks on St. James street from Richmond street to Wellington street and on Wellington street from St. James street to the northerly limits of the city.

(5) The company may within two years from the passing of this by-law, extend their tracks to the easterly end of the Oxford street bridge and they may also, within the said period, extend their tracks on Ridout street from Dundas street to York street, on Adelaide street from Central avenue to Oxford street, on Rectory street from Dundas street to King street, on King street from Rectory street to Ontario street, and on Ontario street from King street to Dundas street, and on the Pipe Line road from the Wharncliffe highway westerly to the city limits, and on Bathurst street from Richmond street easterly to Clarence street, and on Clarence street from Bathurst street southerly to Horton street. Provided, however, that, if the company do not within the time above limited construct their tracks upon the streets or portions of the streets in this sub-section mentioned, all rights conferred upon the company by this sub-section shall, as to such of the streets or portions of the same as the company shall not within the said time construct their tracks upon, cease and determine in the same manner as if the said streets or portions of the streets had not been mentioned in this sub-section.

(6) A single track only, with the necessary switches, side tracks and turn-outs, shall be laid on Stanley street and on that part of Ridout street between Horton street and Elmwood avenue and on Wellington street from the north side of Clark's bridge to Front street and on High street from Front street to Mayboro' place.

(7) Double tracks shall be laid on Richmond street from Oxford street to Horton street and on Dundas street from Ridout street to Quebec street and upon such other streets or portions of the streets mentioned in sub-section 2 of section 50 hereof as may be agreed upon between the corporation and the company.

(8) One track only, without any switches, y's, loops, turntables, cross-overs, side tracks, turn-outs or other works, shall be laid on Clark's bridge and the said track shall be laid in such place thereon as the said engineer shall direct.

(9) One track only, without any switches, y's, loops, turntables, cross-overs, side tracks, turn-outs or other works shall be laid on Victoria bridge and the said track shall be laid in such place thereon as the said engineer shall direct.



(10) The position of all the switches, y's, loops, turntables, cross-overs, side tracks and turn-outs, and the length of such switches, y's, loops, turntables, cross-overs, side tracks and turn-outs, shall be subject to the approval of the said engineer, but the said engineer shall not limit the length of any switch or side track, if and where such switch or side track is allowed by him to be constructed, to less than 250 feet over all from outside points to outside points.

(11) The laying of the tracks upon any of the streets or parts of streets mentioned in this section shall not be deemed a laying down of new lines or an extension of tracks within the meaning of section 21 hereof.

51. The company are, so far as the council of the corporation have power to grant the same, exclusively authorized to construct, maintain and operate, subject to the conditions and agreements in this by-law contained, a surface electric street railway on the streets and portions of streets mentioned in the next preceding section hereof.

52.—(1) The company shall, if required so to do by the corporation, receive and forward with all diligence and despatch, free of charge, except as hereinafter provided, the passenger, mail, express, freight and baggage cars, and the passengers and goods thereon, of all radial or other electric railway companies, which may during the continuance of this by-law, or of the rights of the company thereunder, desire the company so to do, over the tracks of the company from the city limits to the centre of the city or such other place or places within the city as the said radial or other electric railway companies or company may have their station or stations and, if and when desired, back again to the said city limits, to the same point or any other point on the line of the company's railway and, when the company's tracks and trolley wires do not extend to the city limits at the point or points where the radial or other electric railway company or companies desire to enter and the company refuse or neglect, within thirty days after being notified, to agree to make such extensions, or if, having agreed within the same time to make the said extensions, the company shall not proceed with the necessary work and complete the same within the time fixed by the council of the corporation for that purpose, the said radial or other electric railway companies or company shall have the right, if permitted to do so by by-law of the corporation, but not otherwise, to enter upon the said highways and make, construct, maintain and operate an electric railway between the said radial electric railway company's or companies' lines and the tracks of the company and, subject to the provisions and conditions of any such by-law, the company to have charge and control of all cars while the same are passing along their tracks and to furnish motormen and conductors for that purpose. The company to have the right to collect

collect the regular city fares as provided by this by-law from all passengers on the said cars hauled by them as aforesaid and to take on and let off passengers within the city limits, and all such passengers shall be entitled to transfers to any part of the city from the said radial or other electric railway company's cars to and upon the company's cars, or *vice versa*, upon payment of one city fare to the company—the intent of this provision being that every passenger shall be entitled to be carried from any point within the city limits to any other point therein whether upon the company's cars or the radial or other electric railway companies' cars upon payment for the entire trip of one fare as provided by section 25 hereof. Provided, however, that this section shall not apply to any branch of any radial or other electric railway which shall compete with the company for Springbank traffic. The compensation to be paid for hauling mail, express, baggage and freight to be, in case the parties differ about the same, determined by arbitration in the same manner as provided in section 20 hereof, but in determining the said price to be paid, the said arbitrators shall not take into consideration the franchise of the said company, but shall fix a reasonable compensation therefor, having regard only to the operating expenses of the said road. Provided always that it shall not be necessary for any such radial or other electric company to wait until such compensation has been fixed as aforesaid before exercising the rights to which they may be entitled under this section, but, in the event of such rights being exercised before the said compensation shall be fixed as aforesaid, the rates fixed by the award of the said arbitrators shall govern from the time they shall commence to exercise the said rights to the time of the making of the said award and such company or companies (as the case may be) shall pay to the company the amount so fixed by the said arbitrators for the said period.

(2) In case the company refuse or neglect to carry out any of the provisions of sub-section 1 of this section to the satisfaction of the corporation or the said radial or other electric railway company or companies, the matter in dispute and the damages (if any) sustained thereby shall be determined by arbitration in the same manner as provided in section 20 hereof, and the corporation, the company or any of the said radial electric railway companies shall be entitled to enforce the said award. In case of an arbitration between the company and any other person or company under the provisions of this section, the arbitrator to be appointed on behalf of such company or person shall be appointed by such company or person and not by the corporation.

53. In the event of any local municipality or any part thereof being annexed to or amalgamated with the city of London at any time during the continuance of this by-law or

any

any extension thereof as hereinbefore provided, the railway or railways belonging to the company now or hereafter constructed within the said local municipality, or such part thereof as may be annexed or amalgamated as aforesaid, and the working thereof and the company in relation thereto shall have all the rights conferred by and be subject to all the terms and conditions of this by-law, but nothing herein contained shall be deemed to authorize or shall authorize the corporation to take over that portion of the company's line to Springbank which shall lie west of the limits of the village of London West as now existing.

54. Wherever the words "city engineer," "city engineer for the time being" or "said engineer" are used in this by-law they shall mean the engineer of the corporation of the city of London for the time being or such other officer or person as the corporation may from time to time appoint for the purpose of performing the duties or exercising the powers or discretions or any of them by this by-law devolving or conferred upon the said engineer.

55. In all arbitrations under this by-law a majority of the arbitrators shall be competent and are hereby authorized to make an award, and an award so made shall be as valid and binding as if assented to by all the arbitrators.

56. In the event of the company failing or neglecting to construct their said railway or to alter or change the whole of their system as hereinbefore provided, or to construct and complete their said railway to Springbank in substantial conformity with the provisions of this by-law, or, in the event of the company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their said railway in substantial conformity with the provisions of this by-law, or to maintain and operate their said railway to Springbank in like substantial conformity with the provisions of this by-law for the space of thirty days, whether consecutive or not, in any year (in reckoning the said thirty days, parts of days shall be counted, and seventeen working hours, whether consecutive or not and whether in the same twenty-four hours or not, shall be counted as one day), the corporation by resolution of the council thereof may declare that all the privileges and rights which the company may have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded and, in such case, the corporation shall have the right to require all obstructions and materials placed in said streets by the company under any such by-law or agreement to be removed therefrom and the said streets to be put in as good condition and repair as they  
were



were before the said materials and obstructions were placed therein, and the expense thereof shall be paid to the corporation by the company, and the corporation shall also have the right to run the said railways and to grant the same rights and privileges to any other company free from all liability for damage on account thereof.

57. The corporation will join with the company in any petition or application which they may make to obtain the privilege of crossing the railway tracks of any steam railway company which it may be necessary for the company to cross under the provisions of this by-law, but the corporation shall not be required or compelled to incur any expense in connection therewith.

58. The corporation will join with the company in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between the corporation and the company referred to in the 60th section hereof and declaring the same to be valid and binding upon the parties hereto, all expenses in connection with the procuring of such legislation to be paid and borne by the company, provided that the act of the Legislature so confirming and ratifying this by-law and the said agreement shall contain as a section thereof the words following, or to the like effect, that is to say :—

If the company shall fail or neglect to keep, observe, perform or comply with any of the provisions of this by-law, in which the residents of the municipality, or the corporation or any other person or corporation are interested, then, in addition to all other remedies by law enforceable against the company, the corporation may bring an action in the High Court of Justice against the company, and all other necessary parties, to compel the keeping, observing, performing of and complying with such provisions; and the court shall have full power and jurisdiction in the premises and to enforce, by injunction or otherwise, the due observance, performance and fulfilment by the company and its officers and other persons of all provisions of this by-law in which residents of the municipality or the corporation or any other person or corporation are interested.

59.—(1) There may be an appeal to the council of the corporation with regard to the said engineer's decision as to "the best modern practice" mentioned in section 3 hereof as to "the best modern practice" mentioned in sub-section 2 of section 10 hereof, as to "the cars to be used and the improvements therein" mentioned in sub-section 1 of section 18 hereof, and as to "the most improved safeguards" mentioned in section 28 hereof. Notice of such appeal must be given within five days from the decision appealed from and such notice shall be served on the opposite party at least two weeks before the meeting of the council of the corporation at

which



which the appeal is to be heard and the decision of the council of the corporation shall be final and conclusive.

(2) There may be an appeal with regard to the said engineer's decision as to "the best modern means" mentioned in section 16 hereof (except as to the best modern means to be from time to time adopted and used by the company to prevent any injury to or interference with any system of water-works or fire alarm now or hereafter having the use of or being operated in, upon or under any of the streets of the said city of London, as to which there shall be no appeal, but the said engineer's decision shall be final and conclusive) and as to "the sufficiency of the means" referred to in sub-section 2 of section 17 hereof. Notice of such appeal must be given to the opposite party within ten days from such decision and such appeal shall be to a board of three arbitrators, each of whom shall be a qualified civil engineer, one of whom shall be appointed by the party appealing and shall be named in their notice of appeal, and the second arbitrator shall be appointed by the opposite party and notice thereof given to the other party within three weeks after service of the said notice of appeal, and the third arbitrator shall be appointed by the two arbitrators so appointed as aforesaid within three weeks after the appointment of the second arbitrator. In the event of the opposite party failing to appoint their arbitrator within three weeks after the service of the notice of appeal upon them as hereinbefore provided, a judge of the High Court of Justice may, upon application by either party, appoint an arbitrator for the party in default, and, in default of the appointment of the third arbitrator as and within the time hereinbefore provided, a judge of the High Court of Justice may, on the application of either party, appoint such third arbitrator, and the said arbitrators, or a majority of them, shall, without taking any evidence, other than the evidence of the said engineer and of one officer of the company if the same be tendered and the arbitrators see fit to receive the same in the matter appealed from, but from their own skill and knowledge, make their award within two months from the time of the appointment of the third arbitrator, and the award of the said arbitrators, or a majority of them, if so made within the said time, shall be final and conclusive, but, if not so made within the said time, the decision of the said engineer shall be final and conclusive, and the costs of any such arbitration shall be in the discretion of the arbitrators, or a majority of them, and shall be paid as directed by any such award.

60. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the corporation unless or until formally accepted by the company within forty days after the passing thereof by an agreement which shall legally bind the company to pay to the corporation the sums mentioned in this by-law, and to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained,

and shall be approved by the city solicitor; and such agreement, when so approved, shall also be executed under the city seal by the mayor or the chairman of No. 1 committee and the city clerk.

61. Such portions of the by laws relating to the company referred to in the preamble of this by-law as are inconsistent herewith, and all other by-laws inconsistent herewith, are hereby repealed, such repeal to take effect only on and from the coming into force of this by-law and the agreement referred to in the last preceding paragraph hereof, but the company shall be at liberty to run their cars with horses, subject to the conditions and regulations contained in this by-law, as far as applicable, until the time fixed by this by-law for running electric cars.

Passed in open council this twenty-first day of May, A.D. 1895.

(Signed.)

C. A. KINGSTON,  
Clerk.

{ L. S. }

(Signed.)

J. W. LITTLE,  
Mayor.

Articles of agreement made the sixth day of June, A.D. 1895, between the corporation of the city of London (hereinafter called the corporation), of the first part, and the London Street Railway Company (hereinafter called the company) of the second part.

Whereas, by an Act of the Legislature of the Province of Ontario, passed on the twenty-ninth day of March, A.D., 1873, entitled *An Act to Incorporate the London Street Railway Company*, it is amongst other things provided that the council of the corporation and the company may make and enter into any agreements or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers and the laying of gas and water pipes in the said streets and highways; the location of the railway and the particular streets along which the same shall be laid; the pattern of the rail; the time and speed of running the cars; the time within which the works are to be commenced; the manner of proceeding with the same and the time for completion and generally for the safety and convenience of passengers; the conduct of the agents and servants of the company and the non-obstructing or impeding of the ordinary traffic.

And whereas the council of the corporation, on the twenty-first day of May, in the year of our Lord, 1895, passed a by-law, numbered 916, granting to the company certain rights for the construction, maintenance and operation of a street railway

upon

upon and along certain streets of the said city of London, upon and subject to the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things therein contained, a true copy of which said by-law is hereto annexed.

And whereas these presents are intended to give effect to the said by-law, and the same have been approved of by the city solicitor.



Now these presents witness that, in consideration of the granting of the rights and privileges which are by the said by-law granted by the corporation to the company, the company do, for themselves, their successors and assigns, covenant, promise and agree to and with the corporation and their successors in manner following, that is to say:—

That the company do hereby accept the said by-law and that the company, their successors and assigns, will in all things conform to, obey, perform, observe, fulfil and keep all and every, the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained, upon, under and subject to which the said rights and privileges are by the said by-law granted to the company, and will do and perform all acts, matters and things which the said by-law provides are to be done by or on behalf of the company and will not do anything which the said by-law provides is not to be done by the company.

And the corporation do hereby ratify and confirm the said by-law and the rights and privileges thereby granted to the company, subject, however to all the terms, conditions, agreements, stipulations, regulations, obligations, provisions and things in the said by-law contained.

In witness whereof the corporation have caused to be affixed their corporate seal and the mayor and city clerk have set their hands and the company have caused to be affixed their corporate seal and their president and secretary have set their hands the day and year first above written.

(Sgd.)

Signed, sealed and delivered in the presence of	J. W. LITTLE, <i>Mayor.</i> C. A. KINGSTON, <i>City Clerk.</i>	
(Sgd.) T. G. MEREDITH, by the Mayor and City Clerk.	H. A. EVERETT, <i>President.</i>	
(Sgd.) CHAS. H. IVEY.	S. R. BREAK, <i>Secretary.</i>	

This

## SCHEDULE B.

*(Section 5.)*

This indenture made (in duplicate) the twenty-first day of December, one thousand eight hundred and ninety-five, in pursuance of the Act respecting short forms of conveyances : between the Very Reverend George M. Innes, rector, and William John Reid and John Seabury Pearce, churchwardens of the church of St. Paul, in the city of London, of the first part, and the London Street Railway Company, of the second part.

Witnesseth that in consideration of one dollar of lawful money of Canada, now paid by the said parties of the second part, to the said parties of the first part, (the receipt whereof is hereby by them acknowledged), they the said parties of the first part do grant unto the said parties of the second part, their successors and assigns, all and singular that certain parcel or tract of land and premises situate, lying, and being in the township of Westminster, in the county of Middlesex, and Province of Ontario, being composed of part of the north-easterly part of lot thirty-six, and part of north-westerly part of lot thirty-five in the broken front concession of the said township of Westminster, commencing at a point in the westerly limit of the said lands, distant one thousand nine hundred and thirty-six feet eight inches northerly from the intersection of said westerly limit with the northerly limit of the Pipe Line road ; thence north thirty-five degrees forty-nine minutes east forty-nine feet seven inches ; thence north twenty-eight degrees twenty-one minutes, east one hundred and seventy-two feet three inches ; thence north fifty-eight degrees twenty-nine minutes east one hundred and thirty-six feet ; thence north seventy-six degrees thirty-nine minutes, east one hundred and twenty-six feet four inches ; thence north sixty-eight degrees six minutes east three hundred and fifty feet, more or less, to the north-easterly limit of the said lands. Thence north sixty-seven degrees fifty-six minutes west along said easterly limit twenty-three feet ; thence south sixty eight degrees six minutes west three hundred and thirty-five feet six inches ; thence north thirteen degrees twenty-one minutes west twenty-five feet ; thence south seventy-six degrees thirty-nine minutes west one hundred and fifty-two feet ; thence south fifty-eight degrees twenty-nine minutes, west one hundred and twenty-six feet seven inches ; thence south twenty-eight degrees twenty-one minutes west two hundred and five feet, more or less, to the westerly limit of the said lands ; thence southerly along said westerly limit sixty-one feet to the place of beginning, and containing by admeasurement two roods and twenty-seven and one-half perches, be the same more or less ; reserving however to the parties of the first part, their successors and assigns, and to all persons and

corporations



corporations acting with their license or permission the right to land passengers at a place to be selected by them on the land hereby intended to be conveyed; together with a right of way for the passengers so landed, and for all other persons having the license or permission of the parties of the first part, their successors or assigns, to cross the lands hereby conveyed so as to obtain an entrance into Woodland cemetery; provided however that in such landing of passengers and crossing of the said land, the parties of the second part, their successors or assigns, shall not be interfered with or obstructed in the operation of their railway through the lands hereby intended to be conveyed. To have and to hold unto the said parties of the second part, their successors and assigns, to and for their sole and only use so long as the railway constructed upon and through the said land hereby intended to be conveyed is used and operated by them, their successors or assigns; and should the said parties of the second part, their successors or assigns, cease to use and operate the said railway so constructed upon and through the said lands for the space of one continuous year, then unto and to the use of the said parties of the first part, their successors and assigns for ever.

The said parties of the first part covenant with the said parties of the second part that they have the right to convey the said lands to the said parties of the second part, notwithstanding any act of the said parties of the first part.

And that the said parties of the second part shall have quiet possession of the said lands, free from all incumbrances.

And the said parties of the first part covenant with the said parties of the second part that they will execute such further assurances of the said lands as may be requisite.

And the said parties of the first part covenant with the said parties of the second part that they have done no act to encumber the said lands.

And the said parties of the first part release to the said parties of the second part all their claims upon the said lands.

The parties of the second part for themselves, their successors and assigns, covenant with the parties of the first part, their successors and assigns, that they will erect and maintain wherever required so to do by the parties of the first part, fences of the height and strength of an ordinary division fence, with openings or gates to divide or separate the lands hereby intended to be conveyed from the other lands of the parties of the first part.

And the said parties of the first part agree to join with the parties of the second part in applying to the Legislature of the Province of Ontario for legislation confirming and ratifying this deed, all expenses in connection with the procuring of such legislation to be paid and borne by the parties of the second part.

In

In witness whereof the said parties hereto have hereunto set their hands and corporate seals.

Signed, sealed and delivered in the presence of	}	GEORGE M. INNES,	{ L. S. }
		<i>Rector.</i>	
L. PINNELL.	}	W. J. REID,	{ Church Wardens' Seal. }
		J. S. PEARCE, <i>Church Wardens.</i>	

## SCHEDULE C.

(Section 6.)

This indenture, made the 12th day of October, A.D. 1895, in pursuance of the Act respecting short forms of mortgages : between the London Street Railway Company, hereinafter called the "Company," of the first part, and the Toronto General Trusts Company, hereinafter called the "Trustees," of the second part.

Whereas the company was incorporated by chapter 99 of the Acts of the Ontario Legislature for the year 1873, which Act was amended by chapter 79 of the Acts of the said Legislature for the year 1889. and was also further amended by chapter 107 of the Acts of the said Legislature for the year 1895, and under the authority of the said Acts and by virtue of certain by-laws passed respectively by the municipal councils of the city of London, of the township of Westminster, of the village of London East, of the town of London East, of the village of London West, and of the county of Middlesex, and of certain agreements with the corporation of the said city, township, village and town of London East, village of London West and county respectively, and of an agreement with the London and Proof Line Road Company, the company has heretofore constructed and operated by horse power and electricity lines of street railway in the said municipalities above mentioned ;

And whereas the village and town of London East now forms part of the city of London ;

And whereas that portion of the township of Westminster through which the said street railway was constructed and operated as a horse car line now forms part of and is included in the city of London ;

And whereas Victoria bridge is now situated wholly within the city of London, and is vested in the said city of London ;

And whereas by by-law No. 916 respecting the company, passed by the municipal council of the said city of London on the 21st day of May, A.D. 1895, the consent, permission and authority of the said corporation was given to the company to

construct

construct, complete, maintain and operate during the remainder of the term of fifty years from the 8th day of March, 1875, a surface electric street railway on the trolley system, upon certain streets in said city, upon the terms and subject to the provisions in said by-law contained.

And whereas by agreement dated the sixth day of June, A.D. 1895, made between the company and the corporation of said city, the terms of the said by-law were accepted by the company and agreed to and ratified by the corporation ;

And whereas by by-law No. 922, passed by the municipal council of the said city of London on the 15th day of July, A.D. 1895, the consent, permission and authority of the said corporation was given to the company to construct, complete, maintain and operate during the remainder of the term of fifty years from the 8th day of March, 1875, a surface electric street railway on the trolley system, upon Railroad street in the sixth ward in the said city of London, upon the terms and subject to the provisions in said by-law contained ;

And whereas by agreement dated the second day of August, A.D. 1895, made between the company and the corporation of the said city, the terms of the said by-law were accepted by the company and agreed to and ratified by the corporation ;

And whereas by by-law No. 272, respecting the company, passed by the municipal corporation of the village of London West on the 6th day of August, A.D. 1893, the consent, permission and authority of the said corporation was given to the company to construct, complete, maintain and operate during all the term of years ending on the 8th day of March, A.D. 1925, a double or single iron street railway with the necessary side tracks, switches and turn-outs, propelled either by electricity or horses as a motive power, upon certain streets in the said village, upon the terms and subject to the provisions in the said by-law contained ;

And whereas by an agreement dated the twenty-ninth day August, A.D. 1893, made between the company and the corporation of the said village, the terms of the said by-law were accepted by the company and agreed to and ratified by the corporation, and the company have constructed the said railway in pursuance of the said by-law ;

And whereas, the said agreement and the by-law therein referred to have been declared to be valid and legal and to be binding upon the said parties thereto by chapter 89 of the Acts of the said Legislature for the year 1894 ;

And whereas, by by-law No. 465, respecting the company, passed by the municipal corporation of the township of Westminster, on the 15th day of December, A. D. 1888, the consent, permission and authority of the said corporation was given to the company to construct, complete, maintain and operate during all the term of thirty-seven years from the passing of the

said



said by-law a double or single iron street railway with the necessary side tracks, switches and turn-outs upon certain of the streets in the said township, upon the terms and subject to the provisions in the said by-law contained ;

And whereas, by an agreement dated the 15th day of December, 1888, made between the company and the corporation of the said township, the terms of the said by-law were accepted by the said company and agreed to and ratified by the corporation ;

And whereas, by by-law No. 548, respecting the company, passed by the municipal corporation of the township of Westminster, on the 22nd day of June, A. D. 1895, the consent, permission and authority of the said corporation was given to the company to construct, maintain, complete and operate their road to Springbank over and across the highway or side-line between lots Nos. 36 and 37 in the broken front concession north of the Pipe Line road of the township of Westminster, upon and subject to the provisions in the said by-law contained ;

And whereas, by an agreement dated the 1st day of July, 1895, made between the company and the corporation of the said township, the terms of the said by-law were accepted by the said company and agreed to and ratified by the corporation ;

And whereas, the company has commenced the conversion of its lines from horse power to electricity and the construction of lines under the said by-laws and agreements, and it is necessary to raise money therefor and for prosecuting its undertaking generally ;

And whereas, by the said Act, chapter 79 of the Ontario Acts of 1889, power is given to the company with the consent of a majority representing two-thirds in value of the shareholders therein present in person or by proxy at a meeting specially called for that purpose, to make and issue from time to time debentures to an amount not exceeding the amount of the capital stock subscribed at the time of the issue of such debentures, payable at such time and place and bearing such rate of interest as the company by such majority as aforesaid may determine, and by the said Act it is declared that such debentures shall, without registration or formal mortgage or conveyance, be a charge upon the said railway, its rolling stock, equipments and moving power thereto belonging, and upon the lands, tolls, revenues and other property of the company, for the due payment of the amounts payable by virtue of such debentures and the interest thereon, and that each holder of any of such debentures shall be deemed to be a mortgagee of the said railway, appurtenances, lands, tolls, revenues and other property *pro rata* with the other holders of such debentures ;

And



And whereas, under the authority of the last mentioned Act the capital stock of the company has been duly increased to \$250,000.00, and the whole amount thereof has been duly subscribed for;

And whereas, at a meeting of the shareholders of the company specially called for the purpose of giving consent to the making and issue of debentures under the provisions of section 5 of the last mentioned Act, the following resolution was passed by a majority representing more than two-thirds in value of the shareholders of the company present in person or by proxy, viz:—

*Resolved*, That the directors of the London Street Railway Company, on behalf of the company, be authorized to make and to issue debentures of the said company to the extent of \$250,000.00, such debentures to be of the sum of \$1,000.00 each; the principal of each debenture to be payable at the expiration of 30 years from the 8th day of March, 1895, and to bear 5 per cent. interest per annum payable half-yearly; the interest payable half-yearly and the principal of each debenture to be payable in gold coin or its equivalent of lawful money of Canada at the chief office of the Canadian Bank of Commerce in the city of Toronto.

That the forms of such debentures and interest coupons shall be the forms of debentures and coupons given in the schedule A (section 3) of chapter 101 of 56 Victoria, Ontario, with such changes as may be necessary.

That such debentures and interest coupons shall be secured by a mortgage to the Toronto General Trusts Company, such mortgage to be a charge on the said railway, its rolling stock, equipments and moving power thereto belonging, and upon the lands, tolls, revenues and other property of the company; and such mortgage to be in the form and to contain the provisions and powers as nearly as may be contained in the form of mortgage set out in the said schedule A (section 3) of chapter 101, 56 Victoria, Ontario.

That the directors of the said company be authorized to settle the forms of debentures, interest coupons and mortgage and to have the same executed in the manner required by law.

And whereas, the directors of the company, pursuant to the said resolution, have duly settled the form of said debentures as follows:—

DOMINION OF CANADA.

*Province of Ontario.*

The London Street Railway Company, incorporated under chapter 99 of Ontario Statutes of 1873, chapter 79 of the Ontario Statutes of 1889, and chapter 107 of the Ontario Statutes of 1895.

No.

\$1,000.00

FIRST

## FIRST MORTGAGE DEBENTURE.

The London Street Railway Company, for value received, hereby promises to pay to the bearer the sum of one thousand dollars in gold coin, or its equivalent of lawful money of Canada, on the 8th day of March, A.D. 1925, at the chief office of the Canadian Bank of Commerce, in the city of Toronto, Province of Ontario and Dominion of Canada, with interest thereon at the rate of five per cent. per annum, payable half-yearly at the said place, in like money, on the 8th day of September and 8th day of March in each year. This debenture is one of a series, and each of like date, tenor and effect, issued and to be issued, to an aggregate not exceeding two hundred and fifty thousand dollars, for the security of which and the interest thereon the undertaking, franchises, privileges, rents, revenues, tolls, income, assets and real and personal property of the company, at any time acquired, both present and future, are mortgaged to the Toronto General Trusts Company, as trustees, by a mortgage bearing even date herewith. Each holder of the said debentures shall be deemed to be a mortgagee or encumbrancer upon the said securities *pro rata* with all the other holders. This debenture shall pass by delivery. This debenture shall not become obligatory until it shall have been certified by the trustees or their successors in the trust.

In witness whereof the London Street Railway Company has caused its seal to be hereto affixed and these presents to be signed by its president and countersigned by its secretary this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and ninety \_\_\_\_\_

President.

Countersigned,

Secretary.

(Endorsed or otherwise placed on the debenture.)

Certified,

Trustees.

And whereas the directors of the company have duly settled the form of this mortgage securing the said debentures and interest;

Now therefore this indenture witnesseth that the company for and in consideration of the premises, and for the purpose of securing the said debentures and the interest, and every part of the said principal and interest as the same shall become payable, according to the tenor of the said debentures, and of the sum of one dollar of lawful money of Canada, now paid to the company by the trustees (the receipt whereof is hereby acknowledged), doth grant to the trustees, their successors and assigns, and to their successors in the trust, all and singular the lands and hereditaments respectively specified or referred to in the schedule hereto marked A, and the railway

and

and undertaking of the company now made, in course of construction, or hereafter to be constructed, together with all branches, extensions, sidings, switches and turn-outs, and the superstructure and tracks, and all iron, rails, ties, poles, wires, pavement and other material placed or to be placed or used therein, or procured or to be procured therefor, and all structures, stables, offices, stations, station houses, power houses, engine houses, work and machine shops, or other buildings or erections held or acquired for use in connection with the railway, or the business thereof, including all electric or other motors, cars and other rolling stock or equipment, and all machinery, tools, implements, fuel and material for the constructing, operating or replacing the same railway, or any of its equipments or appurtenances, whether now held or at any time hereafter acquired, all of which things are hereby declared to be appurtenances and fixtures of the railway and to be included in and to pass by these presents; and also all the interest of the said company in the said recited by-laws and agreements with the city of London, said township, and village of London West, and in the streets thereof, and all franchises, powers and privileges connected with or relating to the said railway, or the construction or maintenance thereof, now held or hereafter acquired by the company, and all corporate or other franchises which are now, or may be, or whenever possessed or exercised by the said company; together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, and the reversion, remainder, tolls, incomes, rents, issues and profits thereof, and all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well at law as in equity, of the said company of, in and to the same, and any and every part thereof, with the appurtenances; and all sums of money, claims or demands of any kind, which may be payable to the company by the corporation of the city of London and village of London West, upon the same taking possession of the said railway, and the property and effects thereof, and the amount of any award which may be made in favor of the company in pursuance of the arbitration contemplated by the said agreements and by-laws and otherwise; and generally all the real and personal property of the company of whatever kind and wheresoever situated now or at any time hereafter owned or possessed by the company during the currency of the said debentures; to have and to hold the above described undertaking, property, premises, things, rights, privileges and franchises, acquired, or to be acquired, and hereby expressed to be conveyed, and intended so to be, unto the trustees, their successors and assigns, according to the nature and quality thereof, and to their successors in the trust; but nevertheless upon the trusts and to and for the uses and for the purposes and conditions herein expressed, that is to say:



1. Until default shall be made in payment of the principal or interest of the said debentures by these presents secured, or some of them, or until default shall be made in respect to something herein required to be done, or kept, by the company, the said company shall be suffered and permitted to possess, operate, manage and enjoy the said railway and its undertaking, with all its equipment and appurtenances, and all other property, rights and privileges hereby conveyed, or intended so to be, to take and use the rents, incomes, profits and tolls thereof in the same manner and to the same effect as if this deed had not been executed.

2. In case default shall be made in the payment of any interest to accrue on any of the aforesaid debentures when such interest shall become payable according to the tenor thereof, and such default shall continue for a period of four months, or in case default shall be made in the observance or performance of any other matter or thing in these presents mentioned, and agreed or required to be observed and performed by the company, and such default shall continue for the period of six months, then and from thenceforth, and in either of such cases, it shall be lawful for the trustees, personally or by their attorneys or agents, to enter into and upon all and singular the railway, railway tracks, motors, poles, wires, machinery, real and personal estate and premises hereby conveyed or intended so to be, acquired or constructed and to be acquired or constructed, or any part thereof, and thenceforth to have, hold, possess and use the said railway and premises and each and every part and parcel thereof, then subject to the lien of these presents, with full power to operate and conduct the business of the said railway by their superintendents, managers and servants or attorneys or agents, and to make from time to time all repairs and replacements and such needful alterations, additions and improvements thereto as may seem to them to be judicious, and to collect and receive all tolls, fares, freights, incomes, rents, issues and profits of the same and of every part thereof; and after deducting the expenses of operating the said railway and conducting the business thereof, and of all the said repairs, replacements, alterations, additions and improvements, and all payments which may be made or may be due for taxes, assessments, charges or liens, prior to the lien of these presents upon the said premises, or any part thereof, including all payments under said by-laws and agreements, as well as just compensation for their own services and for the services of such attorneys and counsel and all other agents and persons as shall have been by them employed, and all other charges and expenses reasonably incurred in or about the execution of the trusts or powers by this indenture created, the trustees shall apply the moneys arising from such collections and receipts as aforesaid to the payment of interest on the said debentures in the order in which said interest shall have become and shall become due, ratably, to the persons entitled to such interest, and if, after  
paying



paying in full the interest which shall have accrued on the said debentures, a surplus of the moneys arising as aforesaid shall remain and the principal of the said debentures shall not be due, and such surplus or any part thereof shall not be required, in the judgment of the trustees, for the protection of the property, or to provide for the instalment of interest next thereafter to fall due, the same may be paid over to the company; but in case the principal of said debentures shall have become due the surplus arising as aforesaid shall be reserved to be applied to the payment of said debentures upon a sale of the said railway and premises as hereinafter provided; but the provisions of this clause are subject to all rights under the by-laws and agreements above mentioned.

3. In case default shall be made in the payment of interest on the said debentures, or any of them, as aforesaid, and shall continue as aforesaid for the period of four months thereafter; or in case default shall be made in the payment of the principal of the said debentures, or any of them, or any part thereof, when the same shall respectively become due and payable, whether by effluxion of time or declaration of the trustees as hereinafter provided for, and shall continue for a period of four months thereafter, it shall be lawful for the trustees, after such entry as aforesaid, or after other entry, or without entry, personally or by their attorneys or agents, to sell and dispose of the said railway, and all and singular the property, rights and franchises hereinbefore expressed to be conveyed, and which shall be then subject to the lien of these presents, at public auction in the city of London, in the Province of Ontario, and at such time as the trustees shall appoint, having first given notice of the time and place of such sale by advertisement published not less than three times a week for three successive months in one or more daily newspapers published in the city of Toronto, in one or more daily newspapers published in the city of New York, and in one or more daily newspapers published in the city of London, Ontario, and in the city of London, England, and in such other manner as the trustees may think proper. And, after such notice, it shall be lawful for the trustees to make such sale, with or under any special conditions as to upset price, reserve bid or otherwise, or as to receiving the price or consideration of such sale in whole or in part in debentures secured hereunder, which may be prescribed or authorized by the debenture holders in the manner hereinafter provided; also with power to rescind or vary any contract of sale that may have been entered into thereat, and resell with or under any of the powers herein. And the trustees may stop, suspend or adjourn such sale from time to time, in their discretion, and if so adjourning make the same, with or under any of the powers herein, after such notice and advertisement as they may think best, at any time and place to which the same shall be so adjourned, and make and deliver to the purchaser or purchasers of the said railway and prem-

ises

ises, or any part thereof, good and sufficient deed or deeds in the law for the same, which sale, made as aforesaid, shall be a perpetual bar, both in law and equity, against the company and its assigns, and all other persons claiming the said premises or any part or parcel thereof, by, from, through or under the company, or its assigns. And, after deducting from the proceeds of such sale just allowance for all expenses thereof, including attorney's and counsel fees, and all other expenses, advances or liabilities, which may have been made or incurred by the trustees in operating or maintaining the said railway and premises, or in managing the business thereof, and all payments by them made for taxes or assessments, and for charges and liens prior to the lien of these presents on the said premises, or any part thereof, as well as reasonable compensation for their own services, and any other expenses or charges referred to in clause No. 2, it shall be lawful for the trustees, and it shall be their duty, to apply the residue of the moneys arising from such sale to the payment of the principal and accrued and unpaid interest on all the said debentures which shall then be outstanding, without discrimination or preference as between principal and accrued and unpaid interest, or as between the holders of said debentures, but equally and rateably and to all such debenture holders. Provided, however, that should interest on some debentures have been paid up to a later date than interest on other debentures, the trustees shall before applying such residue as aforesaid pay the interest on all debentures up to the same date in order that all may stand on an equal footing when such residue is being applied. And, if, after the payment and satisfaction of said debentures, principal and interest, a surplus of the said proceeds shall remain, to pay such surplus to the company or its assigns. And it is hereby declared and agreed that the receipt of the trustees shall be a sufficient discharge to the purchaser or purchasers at such sale for his or their purchase money, and that after payment of such purchase money and having such receipt said purchaser or purchasers shall not be obliged to enquire into the application of such purchase money upon or for the trusts or purposes of these presents, or be in any manner whatsoever answerable for any loss, misapplication or non-application of such purchase money, or of any part thereof, nor shall he or they be obliged to enquire at any time into the necessity, expediency or authority of or for any such sale.

4. In case default shall be made in the payment of any half-yearly instalment of interest on any of the said debentures when such interest shall become payable according to the tenor of such debentures, and such instalment of interest shall remain unpaid and in arrear for a period of four months after the same shall have become payable as aforesaid, and such default shall continue for four months thereafter, then and from thenceforth the principal sum of each of the debentures aforesaid shall, upon a declaration of the trustees to that effect, become

become and be immediately due and payable, notwithstanding that the time limited in the said debentures for the payment thereof may not then have elapsed; but a majority in interest of the holders of all the debentures aforesaid which shall then be outstanding, and upon which default in the payment of interest shall have been made and shall be continuing, shall have the power, by an instrument, in writing, under their hands and seals, or by a vote at a meeting duly convened and held as hereinafter provided, at any time before the actual payment and acceptance of the interest in arrear, to instruct the trustees to declare such principal sum due, or to cancel any declaration already made to that effect, or to waive the right so to declare, on such terms and conditions as such majority in interest shall prescribe; provided always that no act or omission either of the trustees or of the debenture holders in the premises shall extend to and be taken in any manner whatsoever to affect any subsequent default or the rights resulting therefrom.

5. It shall be the duty of the trustees to exercise the power of entry hereby granted, or the power of sale hereby granted, or both, or to proceed by suit or suits in equity or at law, to enforce the rights of debenture holders in the several cases of default herein specified, on the part of the company, or its assigns, in the manner, and subject to the qualifications herein expressed, upon the requisition of debenture holders as herein prescribed, as follows:—

(a) In case default shall be made in the payment of any semi-annual instalment of interest to accrue on any of the said debentures, and such default shall continue as aforesaid for a period of four months; then and in every such case, upon a requisition in writing signed by the holder or holders of said debentures to an aggregate amount of not less than one-fifth the amount of said debentures then outstanding, and adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, it shall be the duty of the trustees to proceed to enforce the rights of the debenture holders under these presents by such proceeding authorized by these presents or by law as they shall be in such requisition directed to take by the said proportion of debenture holders; or, if such requisition contains no such direction, then by entry, sale or suit or suits in equity or at law as they being advised by counsel learned in the law, shall deem most expedient for the interest of the holders of said debentures; the rights of entry and sale hereinbefore granted being intended as cumulative remedies, additional to all other remedies allowed by law for the execution and enforcement of the trusts hereof.

Provided, nevertheless, that it shall be lawful for a majority in interest of the holders of said debentures for the time being, by an instrument under their hands and seals, or by a

vote



vote at a meeting duly convened and held as herein provided, to direct the trustees to waive such default, upon such terms as may be directed by such majority in such instrument, or by such vote, if required under the conditions hereof. And it is hereby provided and expressly agreed that no holder of debentures secured to be paid hereby shall have the right to institute any suit or proceeding for the foreclosure of this indenture, or the execution of the trust thereof, except upon and after the refusal or neglect of the trustees hereunder to proceed to act in the premises, upon requisition and indemnification as aforesaid; but it shall nevertheless be lawful for a majority in interest of the holders of said debentures, for the time being, to direct the party or parties bringing any such suit or proceeding to waive the default or defaults on which it is founded, in like manner as is hereinbefore provided for a direction to the trustees to waive default. And it is hereby further declared and provided that no action taken by the trustees or by the debenture holders under this clause shall prejudice or in any manner affect the powers or the rights of the trustees or of the debenture holders, in the event of any subsequent default or breach of condition or covenant herein.

(b) If the company shall make default or breach in the performance or observance of any other condition, obligation or requirement by the said debentures or by this present deed imposed upon them, then, and in such case, the trustees shall, upon a requisition in manner aforesaid of not less than one-fifth in interest of the debenture holders, for the time being, and upon adequate and proper indemnification of the trustees against the costs, expenses and liabilities to be by them incurred, proceed to enforce the rights of the debenture holders under these presents in the manner by the first clause of this article provided, subject to a power in such majority at any time to direct, in manner aforesaid, the trustees to waive such default or breach; upon reparation therefor to the satisfaction of such majority being made. And it is hereby provided that no action taken by the trustees or by the debenture holders under this clause shall prejudice or in any manner affect the powers or rights of the trustees or of the debenture holders in the event of any subsequent default or breach of condition or covenant herein.

6. The board of directors of the company may from time to time, by resolution, require the said trustees to convey by way of release or otherwise to discharge from operation of these presents any lands acquired or held for the purpose of stations, depots, car shops, machine shops, power houses or other buildings or premises connected therewith, or any lands which may have become disused, or which the board of directors and the trustees may deem it expedient to disuse or abandon, and which land or premises respectively shall, by resolution of the said board, concurred in by the trustees in writing, be declared to be unnecessary for the purposes and business of

the



the company, and in every such case the said trustees, when so required, shall execute such release and discharge accordingly; and without in any way limiting the generality of these presents it is hereby declared that any lands that may be acquired in lieu of or in substitution for lands so released or discharged, and any newly or subsequently acquired lands, shall be deemed to come within the operation of these presents and to be included therein, and shall be conveyed to and held by the said trustees for the trusts of these presents; and it is further declared that the said company from time to time may sell or dispose of any part of the equipment, rolling stock, motors, machinery, implements or other materials at any time held or acquired for the use and purposes of the said company, as may, by the resolution of the board of directors, be declared to be no longer useful or necessary for the company's business, and without in any way limiting the generality of these presents, it is declared that any new or subsequently acquired equipment, rolling stock, motors, machinery, implements and material or any such acquired in lieu of or in substitution for that sold or disposed of, shall come within and be subject to the operation of these presents and be included therein.

7. The trustees, or any trustee, hereunder, may take such legal advice and employ such assistance as may be necessary, in their judgment, to the proper discharge of their duties, and shall be entitled to reasonable compensation for any and all services which may hereafter be rendered by them, or either of them, in said trust, which compensation and all proper costs, charges and expenses incurred by them the company hereby promises and agrees to pay; but in case the company shall make default in such payment the same may be retained by the trustees out of any trust moneys coming into their hands. Provided always that the trustees shall be entitled to be paid by the company fifty cents for each debenture certified by them, which payment shall be in full for all services of the trustees prior to default by the company in payment of the principal or interest on debentures, but should such default occur then the remuneration of the trustees for services consequent upon such default shall be fixed in the usual way under the statute in that behalf.

8. The trustees shall not, nor shall any trustee hereunder, be answerable for the default or misconduct of any agent or attorney by them appointed under or pursuant to these presents, if such agent or attorney be selected with reasonable care, nor for any error or mistake made by them in good faith, but only for personal misconduct or gross negligence in the execution of said trust, and not the one for the other or others of them, or the acts or defaults of the other or others.

9. Any trustees may resign the trust and be discharged from all further duties thereunder, or liability thereafter

accruing, upon giving three months notice in writing to the company, if such resignation takes place before any default by the company in the payment of any interest or principal or in any of the conditions hereof; or after such default, upon giving a like notice to the company and to the debenture holders, at the same time calling a meeting of the debenture holders to accept the resignation, or upon such shorter notice as the company or the debenture holders as the case may be, may accept as sufficient.

10. Unless the trustees be an incorporated company the number of the trustees shall always be kept up to two, and in case of two individuals as trustees one shall always be a resident of the Province of Ontario. In case of the resignation, death, removal from office, or incapacity to act of any one or more of the trustees a successor or successors shall be at once appointed to fill such vacancy by a judge of the High Court of Justice for Ontario upon the application of the company, or of the remaining trustee, upon notice being given to the other trustee and also to the debenture holders by advertisement in each issue for two weeks in *The Ontario Gazette* and in one daily newspaper published in Toronto and one in London, Ontario. From thenceforth on any new appointment under this article any person or corporation so appointed shall be vested with the same powers, rights, interests and charges, and the same duties and responsibilities, as if he or it had been originally named parties of the second part to this instrument, without any further assurance, conveyance, act or deed; but there shall be immediately executed all such conveyances or other instruments as may be necessary or suitable for the purpose of assuring to the new trustee so appointed a full joint estate in the premises. If no such application be made by the company or the remaining trustee during four weeks after any such vacancy happens, such application may be made by any holder or holders of said debentures upon notice being given to the company, and to the other trustee, and to the other debenture holders by advertisement as aforesaid.

11. Meetings of the holders of debentures secured under this mortgage may be called in such mode as may be fixed by regulations prescribed or established by the debenture holders; and the debenture holders may vote at such meetings personally or by proxy; and a quorum may be defined, and such other regulations or by-laws in respect of such meetings may be from time to time established, altered or repealed by the debenture holders, acting by the majority in interest, as to them shall seem expedient; and until the debenture holders shall define the quorum and make such regulations or by-laws, such powers may be exercised by the trustees, including the fixing of the mode of the calling of the first meeting and the conduct thereof. And the trustees shall have the right, at or before any meeting of debenture holders, to require that any

act or resolution of the debenture holders affecting the duties of the trustees shall be authenticated by the signatures of all the persons assenting thereto, as well as by a minute of the proceedings of the meeting. And whenever and as often as any contingency shall arise, in which the action of the holders of the debentures secured hereby shall be necessary, or in which the said debenture holders are herein declared to have any discretionary voice or power, it shall be the duty of the trustees, and such trustees shall be and are hereby authorized and required to call a meeting of the holders of debentures secured hereby to be held in the said city of Toronto, and in the absence of any regulation or by-law determining the notice to be given of such meeting it shall be notified to the debenture holders by advertisement (the expenses whereof shall be a liability of the company, and may be defrayed if necessary from the trust fund) to be published three times in each week for at least four weeks, in at least two daily newspapers of good circulation among the business community in said city of Toronto and city of London, Ontario, and in default of such meeting being called by the trustees within thirty days after notification to them in writing by any debenture holder of the necessity therefor, or in case the trust shall be wholly vacant, it shall be competent for any holder or holders of said debentures, to the aggregate amount of at least one-fifth of the entire outstanding debentures of the company, to call such meeting; and at such meeting so convened the holders of the said debentures shall be competent to exercise in person or by proxy, by the vote of the majority in interest of those present or represented at such meeting, all the powers and authority conferred upon them by these presents. Until otherwise provided, pursuant to the provisions of this instrument in that behalf, a majority in interest of the holders of the outstanding debentures for the time being shall be required to constitute a quorum at any meeting.

12. The word "trustees" wherever used in this indenture shall in all cases be construed to mean any corporation, person or persons who for the time being shall be trustee or trustees, whether such corporation, person or persons be the parties of the second part, or any successor or successors of said parties of the second part appointed hereunder. In case of a vacancy in said trust the surviving or continuing trustee, if there be any, shall be competent to exercise, until the appointment of a new co-trustee, any and all powers and authorities herein granted to the said parties of the second part.

13. If the company or its assigns, shall pay the principal of each and every of the debentures secured by this instrument, when the same shall become payable, and all interest thereon, according to the tenor of such debentures, and shall well and truly do and observe every other matter and thing provided or mentioned in these presents to be by it or them done and observed, then and in that case all the estate, right,

title



title and interest of the trustees by these presents created shall cease, determine and become void; otherwise the same shall remain in full force and virtue. And upon any such determination of such interest, the trustees shall, on the request and at the costs and charges of the company, execute such re-conveyance and re-assignment of the premises as may be necessary or expedient.

14. The company, in consideration of the premises, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that whenever and as often as the company shall hereafter acquire any additional property, rights, franchises or things whatsoever pertaining to or for use upon the said railway hereinbefore conveyed, or upon any part thereof, the company and its assigns shall and will acquire, possess and hold the same, and every part and parcel thereof, upon and subject to the trust of this indenture, until conveyance thereof shall be duly made and delivered to the trustees, for the benefit of the trust by these articles created.

15. And the company, for itself and its assigns, hereby covenants and agrees to and with the trustees, and their successors in the trust created by these presents, that the company will in each and every year ensuing the date hereof, faithfully use and apply the net earnings and income to be from time to time derived from said railway, branches and extensions, or from any part thereof (after discharging its obligations upon or with respect to prior liens thereon), or so much of such net earnings and income as may be necessary, for that purpose, to the payment of the interest accruing in such year on said debentures, when the same shall become due, until all the said debentures shall be fully paid and satisfied; and that it will seasonably, in each and every year, pay and discharge all taxes and assessments of every sort and description which may be lawfully imposed, levied or assessed upon all or any part of the franchises or other property herein and hereby conveyed or intended or contemplated so to be, so as to keep the mortgaged premises free and clear from any incumbrances by reason thereof; also that it will duly make all payments provided by the said by-laws and agreements as and when the same become payable; and also that it will insure and during the continuance of this mortgage keep insured against loss or damage by fire all insurable property hereby mortgaged, conveyed or mentioned, or intended so to be, in proper insurable proportions in the sum of its full insurable value in some insurance company or companies satisfactory to the said trustees, and pay all premiums and sums of money necessary for such purpose as the same become due, and in the event of any loss of the said property, or any part thereof, by fire, all moneys payable from time to time to the company by the insurance company or companies in respect of such loss or losses shall be held by the company for the benefit of the trust by this mortgage created



in the event of the same not being expended by the company in re-building or re-placing the property destroyed, and subject as aforesaid, will on demand in writing by the said trustees pay over such insurance moneys to the trustees for the benefit of the trust hereby created ; but in the event of the said insurance moneys or any part thereof not being required by the company in re-building or re-placing as aforesaid, then the same may be used by the company in such manner as the board of directors may declare by resolution, concurred in by the trustees in writing ; and that it will, from time to time, and at all times hereafter, and as often as thereunto requested by the trustees under this indenture, execute, deliver and acknowledge all such further deeds, conveyances and assurances in the law for the better assuring unto the trustees, upon the trust herein expressed, the railway aforesaid, acquired or to be acquired, constructed or to be constructed, together with their equipments, appurtenances and franchises, and all and singular the lands, property, insurance policies, insurance moneys and things hereinbefore mentioned or described, acquired and to be acquired, and granted or conveyed, or agreed or intended or contemplated to be granted or conveyed, to the trustees, or their successors in the trust created by these presents, as by the trustees or by their counsel learned in the law shall be reasonably advised, devised or required.

16. The company may upon the cancellation of the first form of debentures issued hereunder, which have no coupons for interest attached, require the trustees to certify in lieu thereof debentures of like amount, date, tenor and effect, but having attached thereto coupons representing the interest thereof and containing the necessary references to such coupons, which debentures so certified shall take the place of those so cancelled and be secured in all respects by this mortgage ; and the company may at any time upon the cancellation of the entire issue of debentures secured hereunder require a discharge of this mortgage, and upon such cancellation being made and upon the trustees being paid any moneys payable to them and being indemnified against any liabilities incurred by them as such trustees, they shall execute and deliver at the expense of the company a proper discharge of this mortgage and re-conveyance of the properties included therein.

In witness whereof the company has caused its corporate seal to be hereunto affixed and these presents to be signed by its president and by its secretary ; and the said trustees, to evi-


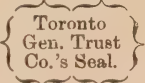
dence the acceptance of the said trust, have likewise signed and sealed these presents.

Signed, sealed and delivered  
in the presence of

F. L. RUSSELL,  
as to signature of S. R.  
Break.

CHAS. H. IVEY,  
as to signature of H. A.  
Everett.

As to signatures of E. A.  
Meredith and J. W.  
Langmuir,  
JAMES DAVEY.

London Street Railway Co.,  
H. A. EVERETT, [L. S.]  
President.  
S. R. BREAK,  
Secretary.   
E. A. MEREDITH,  
Vice-President.  
J. W. LANGMUIR,   
Managing Director.

#### SCHEDULE A.

Referred to in the mortgage made this 12th day of October, in the year of our Lord one thousand eight hundred and ninety-five, between the London Street Railway Company, a body corporate and politic, duly incorporated under the laws of the Province of Ontario in the Dominion of Canada, hereinafter called the "Company," parties of the first, and the Toronto General Trusts Company, hereinafter called the "Trustees," parties of the second part.

Lands including all buildings and erections thereon.

(a) That freehold property of the London Street Railway Company on the south side of Dundas street in the city of London, being lot number three according to a survey of the north part of lot number twelve in concession C in the township of London, having a frontage of sixty-six feet on Dundas street and a uniform depth of one hundred and sixty-five feet. Plan 229.

(b) That freehold property of the said company on the east side of Lyle street in the said city of London, being lots numbers nine and ten according to a survey of the north part of lot number twelve in concession C in the township of London, having a frontage on Lyle street of one hundred and twenty-five feet six inches and a uniform depth of two hundred and sixty-four feet. Plan 229.

(c) That freehold property of the London Street Railway Company on the north-west corner of Thames and Bathurst streets in the city of London, having a frontage of sixty-six

feet

feet on the west side of Thames street and a uniform depth of one hundred and ten feet on the north side of Bathurst street.

(d) That freehold property of the said company on the south side of Bathurst street in said city, being composed of lot twenty-seven on the south side of Bathurst street, together with the broken front to the west of said lot twenty-seven, having together a frontage on Bathurst street of fifty-two feet six inches, with a width at base of one hundred and eighty-eight feet six inches.

(e) That freehold property of the said company on the north side of Horton street in said city, being composed of lot twenty-seven on the north side of Horton street, having a frontage of one hundred and ten feet by a uniform depth of one hundred and ninety-eight feet, together with so much of the broken front as lies west of the westerly limit of said lot twenty-seven on the north side of Horton street except a strip eighteen feet wide from low water mark.

(f) That freehold property of the said company on the south-east corner of Ridout and Horton streets in the said city of London, of triangular shape, having a frontage on the east side of Ridout street of two hundred feet and a frontage on the south side of Horton street of one hundred and fifty feet.

(g) That freehold property of the said company on the south side of the river Thames in the city of London and in the township of Westminster, being those parts of original lots numbers five, west of the Wharncliffe highway and parts of lot one, two and four in block J in plan 376, and part of park lots two and four in plan 63, being sub-division of part of lot five W. Wharncliffe, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven and thirty-eight in the broken front concession of the said township purchased by the London Street Railway Company as a right of way to Springbank, said right of way containing by admeasurement seventeen acres twelve and three-tenths perches more or less.

THE TORONTO GENERAL TRUSTS CO.  
J. W. LANGMUIR,  
Managing Director.

Description correct.

CHAS. CURRIE,  
Asst. Secy. London St. Ry. Co.

## CHAPTER 106.

## An Act to amend the Act incorporating The Ontario, Belmont and Northern Railway Company.

*Assented to 7th April, 1896.*

## Preamble.

**W**HEREAS, The Ontario, Belmont and Northern Railway Company has by its petition prayed that the location of its line may be amended and extended, that its capital stock may be increased, and that the time for the completion of its line be extended; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

54 V. c. 90,  
s. 2. repealed.

1. Section 2 of chapter 90 of the Acts passed in the fifty-fourth year of Her Majesty's reign intituled "An Act to Incorporate The Ontario, Belmont and Northern Railway Company" is repealed and the following substituted therefor:

Location of  
line.

2. The said company shall have full power to survey, lay out, construct, equip and operate a single or double line of railway from a point on The Central Ontario Railway, near its junction with The Canadian Pacific Railway, in a northerly direction through the townships of Rawdon, Marmora, Belmont, Methuen, Dummer, Burleigh, Chandos, Anstruther, Monmouth and Glamorgan, to a point on the Irondale, Bancroft and Ottawa Railway lying between the villages of Wilberforce and Gooderham, and thereafter in a north-westerly direction through the townships of Snowdon, Minden, Anson, Hinden, Oakley, Ridout and McLean to Baysville, on the Lake of Bays.

54 V. c. 90,  
s. 9 amended.

2. Section 9 of the said Act is hereby amended by striking out the figures "\$100,000" in the second line thereof, and inserting in lieu thereof "\$250,000."

Time for com-  
pletion of line  
extended.

3. The time for the completion of the said railway is hereby extended for a period of six years, from the date of the passing of this Act.



## CHAPTER 107.

An Act to amend the Act to incorporate The Pembroke Southern Railway Company.

*Assented to 7th April, 1896.*

WHEREAS by an Act passed in the 56th year of Her Majesty's reign, chaptered 96, The Pembroke Southern Railway Company, was incorporated; and whereas by section 2 of the said Act the said company was authorized to construct a railway from a point at or near the town of Pembroke, in the county of Renfrew, through the townships of Pembroke, Stafford and Bromley, in the said county of Renfrew, to a point at or near the village of Douglas, in the said township of Bromley; and whereas the said company was empowered by an Act passed in the 57th year of Her Majesty's reign, chaptered 91, to change the location of their line of railway upon giving to the Commissioner of Public Works of the Province of Ontario a notice, as therein provided; and whereas the said company gave the said notice on the 28th day of May, 1895, by the terms of which they elected to construct their line of railway upon the route as defined in their Act of incorporation, and their powers under section 2 of the said Act passed in the 57th year of Her Majesty's reign, chaptered 91 thereby lapsed; and whereas no aid has been granted by any municipality or portion of a municipality to the said company for the construction of the said railway under the provisions of the said Act; and whereas it has been represented that by altering the location of the line of the said railway from the route as defined in their said Act of incorporation, the said company may more readily obtain municipal and other aid in the construction thereof; and whereas the said company have prayed that the said Act may be amended accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Election as to  
location of  
line.

1. The said company shall, on or before the first day of June, 1896, signify in writing to the Commissioner of Public Works of the Province of Ontario, under the hand of the president and secretary and the corporate seal of the said company, whether the said company elects to locate the said line of railway according to section 2 of the said Act of incorporation, or to construct the same from a point at or near the town of Pembroke, in the county of Renfrew, to a point at or near Golden Lake in the said county, and thereupon the Lieutenant-Governor in Council may direct the said company to proceed with the construction of the said railway according to the location thereof so selected and adopted.

Powers of  
company after  
election is  
made.

2. In the event of the said company under the powers conferred by the preceding section electing to adopt the said last mentioned location, the said company shall have full power and authority to survey, lay out, construct, equip, complete and operate a line or lines of railway from a point at or near the said town of Pembroke to a point at or near Golden Lake in the said county, with full power to pass over any portion of the country between the points aforesaid, and all the powers granted to the said company by the said Act of incorporation, as to the construction of a line of railway between the said town of Pembroke and the village of Douglas in the said county of Renfrew or otherwise, and also all powers conferred upon municipalities or portions of municipalities by the *Act to incorporate the Pembroke Southern Railway Company* as to the granting of bonuses or otherwise, shall be applicable to the said line or lines of railway between the said town of Pembroke and Golden Lake aforesaid, and the construction of the said line or lines of railway between the said town of Pembroke and Golden Lake aforesaid, shall be deemed a sufficient compliance with the said Act of incorporation.

56 V. c. 96.

Powers of  
company if  
former loca-  
tion is chosen.

3. Should the said company under the powers conferred by section 1 of this Act elect to locate the said line of railway as provided in section 2 of the said Act of incorporation, the company may proceed to survey, lay out, construct, complete and operate the said line of railway according to the provisions of the said Act of incorporation, and the said Act and all the powers thereby conferred upon the said company, or upon municipalities, or portions of municipalities, shall be applicable to the said line of railway between the said town of Pembroke and the said village of Douglas, but the powers conferred by section 2 of this Act shall not be applicable to or exercisable by the said company or any municipality or portion of a municipality.

Municipal aid  
to line.

4. Until the said company has made its election as to the location of the said line of railway under the powers conferred by section 1 of this Act, and unless the said company elects to locate the said line of railway as provided by section 2 of the

said

said Act of incorporation, it shall not be lawful for the said company to enter into negotiations with any municipality or portion of a municipality along the said line of railway as provided by section 2 of the said Act of incorporation for the granting of aid in the construction of the said line of railway according to the said location, nor shall the powers conferred upon municipalities or portions of municipalities by the said Act of incorporation as to the granting of bonuses and otherwise be applicable to the said line of railway between the said town of Pembroke and the said village of Douglas.

5. It shall not be necessary for the said company to proceed with the construction of the said line of railway between Pembroke and Douglas aforesaid, but the construction of either of the said lines of railway from Pembroke to Douglas aforesaid, or from Pembroke to Golden Lake aforesaid shall be deemed a sufficient compliance with the Act of incorporation and this Act.

Alternative location.

6. The time for commencing the construction of either of the said lines of railway shall be within three years, and the time for the completion thereof shall be within six years from the passing of this Act.

Commencement and completion of line.

7. It shall be lawful for the said company to enter into arrangements with the Ottawa, Arnprior and Parry Sound Railway Company, the Atlantic and North-West Railway Company and the Canadian Pacific Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, in the same manner as, with respect to the Atlantic and North-West Railway Company and the Ottawa, Arnprior and Parry Sound Railway Company, is provided in section 44 of the said Act of Incorporation, and the said line of railway may connect with any or either of the said railways at any point at or near the said town of Pembroke or Golden Lake aforesaid, but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of the Province of Ontario.

Power to enter into agreements with certain other companies.

56 V. c. 96.

## CHAPTER 108.

## An Act relating to the Sault Ste. Marie and Hudson's Bay Railway Company.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS The Sault Ste. Marie and Hudson's Bay Railway Company has petitioned for an Act to extend the time for the commencement and completion of its railway; to authorize the use of electricity as a motive power; to empower the company to change the place of its head office, and to allow its line of railway to be constructed to a point on The Canadian Pacific Railway between Grasset station and Ridout station; and whereas by an Act of the Legislature of Ontario, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98, the time for the commencement of the construction of the said line of railway was extended for the period of three years from the seventh day of April, A.D. 1893, and the time for the completion thereof for ten years from that date; and whereas the company's proposed line of railway will for the most part run through an unsettled part of the Province and electricity may therefore be allowed as a motive power; and whereas all the provisions of *The Electric Railway Act, 1895*, are therefore not applicable to the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Time for commencement and completion of line extended.

1. The times for the commencement and completion of the said railway are hereby extended for three years beyond the respective periods mentioned therefor in the said Act, passed in the fifty-sixth year of Her Majesty's reign, chaptered 98.

Operating line by electricity.

2. The company may operate its railway, in whole or in part, with electricity or water as the motive power in lieu of or in conjunction with steam or other form of power authorized by *The Railway Act*; provided that electricity shall

Rev. Stat. c. 170.

not



not be used as a motive power without the consent of the Lieutenant-Governor in Council being first had and obtained.

3. The company may, by by-law, change the place of its head office to any city or town in the Province of Ontario. By-law changing place of head office.

4. The company may locate the point of the crossing by its line of the main line of the Canadian Pacific Railway between Grassett and Ridout stations, on the last named railway. Location of crossing of Canadian Pacific Railway.

## CHAPTER 109.

## An Act to incorporate The South Essex Electric Railway Company.

*Assented to 7th April, 1896.*

## Preamble.

WHEREAS, John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox all of the town of Amherstburg, Delos Rogest Davis of the township of Anderdon, Napoleon Alexandre Coste and Daniel F. Reaume of the township of Malden, Charles Bell and Arthur R. Ferris of the township of Colchester South all in the county of Essex, have by their petition prayed for an Act of incorporation under the name of The South Essex Electric Railway Company for the purpose of constructing and operating electric railways from the town of Amherstburg, to the village of Harrow in the township of Colchester South, through the streets of the said town of Amherstburg, through the townships of Malden and Colchester South and through the streets of the said village of Harrow in the said county of Essex; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Incorporation.

1. John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox J. G. Mullen, William D. Balfour and Colin Wigle all of the said town of Amherstburg, Delos Rogest Davis of the township of Anderdon, Napoleon Alexandre Coste and Daniel F. Reaume of the township of Malden, Charles Bell and Arthur R. Ferris of the township of Colchester South all in the county of Essex and such other persons and corporations as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic under the name of "The South Essex Electric Railway Company" hereinafter called the "company."

2. The company is hereby authorized and empowered to survey, lay out, construct, make, complete, alter and keep in repair iron or steel railways to be operated by electricity with single or double iron or steel tracks from some point in the town of Amherstburg to be selected by the company to some point in the village of Harrow in the township of Colchester South in the county of Essex passing from and through the said town of Amherstburg, in the said county of Essex and through the townships of Malden and Colchester South to the said village of Harrow and the railways or any of them or any part thereof may be carried along and upon such public highways as may be authorized by the by-laws of the respective corporations having jurisdiction over the same and subject to the restrictions and provisions therein and in *The Electric Railway Act, 1895*, contained and under and subject to any agreement hereafter to be made between the company and the councils of any of the said corporations and between the company and the road companies (if any) interested in such highways and the company may make and enter into any agreements with any municipal corporation or road company as to the terms of occupancy of any street or highway subject to the provisions and conditions contained in *The Electric Railway Act, 1895*, and in *The Consolidated Municipal Act, 1892*, and any Act or Acts amending the same.

Location of line.

58 V. c. 35.

58 V. c. 38.

55 V. c. 42.

3. The said John Allen Auld, Joseph David Burk, William Henry McEvoy, Emanuel Berube, Augustus E. Rondot, Joseph J. Breault, David M. Kemp, John W. Stokes, Charles F. Wilcox, J. G. Mullen, William D. Balfour, Colin Wigle, Delos Rogest Davis, Napoleon Alexandre Coste, Daniel F. Reaume, Charles Bell and Arthur R. Ferris, with power to add to their numbers, shall be, and are, hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed, under the provisions of *The Electric Railway Act, 1895*, by the shareholders.

Provisional directors.

58 V. c. 38.

4. All meetings of the provisional board of directors shall be held at the town of Amherstburg, in the county of Essex, or at such other place as shall best suit the interest of the company.

Meetings of provisional directors.

5. The capital stock of the company shall be \$50,000, to be divided into 2,000 shares of \$25 each.

Capital stock.

6. The head office shall be at the town of Amherstburg, in the county of Essex.

Head office.

7. The board of directors shall consist of nine persons, who shall be elected in the manner and possess the qualifications prescribed by *The Electric Railway Act, 1895*.

Directors.

58 V. c. 38.

Agreement  
with Windsor,  
Amherstburg  
and Lake Erie  
Ry. Co.

Proviso.

58 V. c. 38.

Construction  
of lines by  
sections.

58 V. c. 38.

58 V. c. 38.

58 V. c. 38.

Incorporation  
of provisions  
of Electric  
Ry. Act.

8. Subject to the provisions of *The Electric Railway Act, 1895*, the company shall have power to enter into any agreement, with the Windsor, Amherstburg and Lake Erie Railway Company if lawfully authorized to enter into such an agreement for the leasing, hiring or use by the company of the lands, tracks or structures or otherwise of the Windsor, Amherstburg and Lake Erie Railway Company, or any portion thereof, on such terms as to compensation and otherwise as may be agreed upon, provided that electric power only shall be used in operating any portion of the company's line, and the company shall also have power to purchase or lease the Windsor, Amherstburg and Lake Erie Railway, and operate the same as an electric railway instead of a steam railway; Provided further that the said line or any portion thereof over which the company may acquire running powers under this section or which may be so purchased or leased, shall be operated by the company in accordance with the provisions of the said *Electric Railway Act, 1895*.

9. The company is hereby authorized and empowered to take and make the survey and levels of the lands through which the said railways are to pass, together with the map or plan thereof, and of their course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained and also a statement in accordance with the provisions of section 27 of *The Electric Railway Act, 1895*, and to deposit the same as required by the clauses of the said *Electric Railway Act, 1895*, and the amendments thereto, with respect to plans and surveys, by sections or portions less than the length of the whole railway authorized of such length as the company may from time to time see fit, and upon such deposit as aforesaid of the map or plan and statement of any and each of such sections or portions of the said railways all and every of the clauses of the said *Electric Railway Act, 1895*, and the amendments thereof applied to, included in, or incorporated with this Act shall apply and extend to any and each of such sections or portions of the said railways as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railways are to pass, together with the map or plan of the whole thereof and of their whole course and directions and of the lands intended to be passed over and taken and the statement of the whole of the said railways had been taken, made, examined, certified and deposited according to the said clauses of the said *Electric Railway Act, 1895*, and the amendments thereof, with respect to plans and surveys.

10. The several clauses of *The Electric Railway Act, 1895*, and of every Act in amendment thereof shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railways to be constructed by them,

except



except only so far as they may be inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall be understood to include the clauses of the said *Electric Railway Act, 1895*, and of every Act in amendment thereof so incorporated with this Act.

**11.** Notwithstanding any provision to the contrary in any other Act, the said railway may cross any other railway upon a level therewith with the consent of such other railway. Crossing other railways.

**12.** The railways shall be commenced within eighteen months after the passing of this Act and finished within three years. Commencement and completion of line.

## CHAPTER 110.

## An Act respecting The Toronto, Hamilton and Buffalo Railway Company.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS, The Toronto, Hamilton and Buffalo Railway Company have by their petition prayed that an Act may be passed to authorize and empower the city of Hamilton to deliver to the said railway company, or their assigns, certain debentures to the amount of \$225,000, specified in by-law No. 755, passed by the municipal council of the said city of Hamilton on the 29th day of October, A.D. 1894, by way of bonus in aid of the undertaking of the Toronto, Hamilton and Buffalo Railway Company on the terms and conditions in said by-law set forth; and whereas, on the 30th day of December, A.D. 1895, The Toronto, Hamilton and Buffalo Railway Company had substantially complied with the condition in the said by-law contained, which requires that before that date the said railway should be completed as a first-class road, and actually opened for traffic and so operated as to give adequate and regular daily train service both for passengers and freight between the city of Hamilton and a point on the Canada Southern Railway at or near to, or east of the town of Welland, and between Hamilton, Brantford and Waterford, and a through connection with the Canada Southern Railway and over that railway with the Michigan Central systems at or near to, or east of Welland, and at Waterford respectively, and the said railway has ever since been and is now being so operated; and whereas, doubts have been suggested by certain ratepayers of said city as to the literal compliance by the said company with the requirements of said condition before said 30th day of December, A.D. 1895, and objections have been made by them on that ground to the delivery of such debentures, and it is expedient to remove such doubts; and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. It shall and may be lawful for the corporation of the city of Hamilton, and the said corporation are hereby authorized and empowered to deliver to The Toronto, Hamilton and Buffalo Railway Company, their successors or assigns, the debentures to the amount of \$225,000 specified in the said by-law No. 755 of the corporation of the said city of Hamilton in such amounts and at such times as the council of said corporation may see fit, upon their being satisfied that the company have substantially complied with all other conditions contained in said by-law, the city corporation reserving such amount of said debentures or of the proceeds thereof as they may deem proper to hold as security for all expenses payable by the company to the said corporation under the terms of said by-law, and for claims against the said company for compensation for damage to real property, taken or injuriously affected by the exercise, within the city of Hamilton, of any of the powers granted for the railway or against the city corporation for compensation, damages or costs, by reason or on account of the construction of the railway within the said city ; the corporation to have the right to pay any such claims and costs when agreed upon or legally ascertained, and to use so much of said debentures as may be necessary for that purpose.

City of  
Hamilton  
authorized to  
deliver certain  
debentures to  
company.

## CHAPTER 111.

An Act to amend certain Acts relating to The Georgian Bay Ship Canal and Power Aqueduct Company.

*Assented to 7th April, 1896.*

Preamble.

**W**HEREAS The Georgian Bay Ship Canal and Power Aqueduct Company, hereinafter called the Company, was incorporated by the Act passed by the Legislature of Ontario in the 57th year of Her Majesty's reign, chaptered 97, which said Act was amended by an Act passed in the 58th year of Her Majesty's reign, chaptered 117; and whereas the company has prayed for certain other amendments to both of the said Acts and that certain other powers as hereinafter set forth be conferred upon it, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

58 V. c. 117, s. 1, sub-s. 1 amended.

1. Sub-section 1 of section 1 of the said Act passed in the 58th year of Her Majesty's reign, chapter 117 is amended by inserting the words "and from" after the word "to" and before the word "lake" where the same occurs in the sixth line of the said section.

58 V. c. 117, s. 1, sub-s. 3 amended.

2. Sub-section 3 of said section 1 is hereby amended by adding thereto the following sub-section:—

(d) To receive money and other grants from the Parliament of Canada for the purposes of the company's undertakings, and exercise any and all powers, rights and privileges that may be conferred upon the company by the said Parliament.

58 V. c. 117, s. 3 amended.

3. Section 3 of said chapter 117 is hereby amended by adding the words "franchises, agreements, privileges" after the word "revenues" where the same first occurs in said section; said section 3 is further amended by adding thereto the following sub-sections:—

(a)



(a) The company may make one or more mortgages to secure any sum or sums to be borrowed under the authority of this section, such mortgage or mortgages may be made upon the whole or upon any part or parts of the company's real and personal property, franchises, agreements, tolls and revenues already acquired or to be acquired. Company may mortgage whole or part of undertaking.

(b) Any mortgage made to secure any bond or debenture issue or issues made or to be made in pursuance of the provisions of this section shall be a first charge upon the franchises, tolls, revenues, agreements and other property and assets of the company, real and personal, according to the tenor of such mortgage to the full extent of the company's interest or prospective interest in such mortgaged property. Scope of mortgages.

(c) Where the word "bond" is used in this Act it shall also mean "debenture," and where the word "debenture" is used it shall be taken to include and mean "bond" also, and the word "bondholder" shall also include and be taken to mean "debenture-holder." Interpretation.

4. Section 4 of said chapter 97 is hereby amended by adding thereto the following sub-sections:— 57 V. c. 97, s. 4, amended.

(a) The company and the council of any municipality may also enter into an agreement or agreements authorizing the company to use the streets, avenues, lanes, parks, roadways, road allowances, and other public places of such municipality for the distribution of water or electric energy for heat, light, power and other purposes, upon such terms and for such periods as may be agreed upon by and between the company and any such council. As to use of streets and public places.

(b) Any agreement heretofore made in conformity with the provisions of this section is hereby ratified and confirmed.

5. The shareholders may make any by-law or by-laws that the company may lawfully make, and no by-law enacted and passed by the shareholders shall be subject to repeal or amendment except by the shareholders. Shareholders passing by-laws.

(a) Any by-law enacted by the shareholders shall have precedence and shall prevail over and against any by-law inconsistent therewith which has been or that may be enacted by the directors.

(b) Nothing in this section contained shall be taken or construed to mean that the power of the directors to enact, repeal, re-enact or amend any and all by-laws that the company may lawfully make is in any way lessened or abridged except in so far as this section expressly provides.

6. Section 21 of said chapter 97 is hereby repealed and the following substituted in lieu thereof:— 57 V. c. 97, s. 21, amended.

Forfeiture of  
powers for  
non-user.

(1) The power aqueduct shall be commenced and the sum of \$200,000 expended in the actual construction thereof within one year from the passing of this Act, and the sum of \$500,000 within three years from the passing of this Act, and the said power aqueduct shall be completed within seven years from the passing of this Act, and in the event of either of the said amounts not being expended in actual construction within the times herein mentioned respectively or the said power aqueduct not being completed within the said period of seven years as aforesaid, the powers hereby conferred shall absolutely cease with respect to so much of the said power aqueduct as then remains incomplete.

(2) The ship canal shall be commenced within one year from the passing of this Act and it shall be completed within ten years from the passing of this Act, and in default thereof the powers hereby conferred shall absolutely cease with respect to so much of the said ship canal as then remains incomplete.

(3) And the said sums mentioned in this section shall not be deemed to have been expended within the meaning of this section unless and until the Commissioner of Public Works for Ontario shall have given his certificate to that effect.

## CHAPTER 112.

## An Act respecting the Hamilton Gas Light Company.

*Assented to 7th April, 1896.*

WHEREAS the Hamilton Gas Light Company was incorporated by an Act passed in the session of the Parliament of Canada held in the 13th and 14th years of Her Majesty's reign, chaptered 136 and intituled "*An Act to incorporate the Hamilton Gas Light Company*;" and whereas by an Act of the Legislature of Ontario passed in the 53rd year of Her Majesty's reign, chaptered 131 and intituled "*An Act respecting the Hamilton Gas Light Company*" certain amendments were made to the said Act of incorporation which are hereby ratified and confirmed; and whereas the said company and the corporation of the city of Hamilton have petitioned for further legislation relating to the said company; and whereas it is expedient to grant the prayer of such petition: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The gross revenues of the company shall from year to year be dealt with and applied in manner following: The proper and reasonable working expenses, interest and the cost of management and of all necessary repairs and renewals and the fees of the president, vice-president and directors, which shall not exceed five thousand seven hundred dollars per annum or an amount not exceeding two per cent. upon the paid up capital stock of the company in case additional capital stock shall be issued, and all proper allowances for bad and doubtful debts or losses by accidents or otherwise shall first be deducted therefrom, and after payment out of the surplus of a dividend not exceeding ten per cent. per annum payable half-yearly upon the paid up capital stock of the company, the balance shall be placed in equal shares to the credit of the reserve fund of the company and of a fund to be called the surplus profit fund; and as soon as such surplus profit fund shall amount to a sum equal to five cents per thousand feet of the gas consumed

Application of  
revenues of  
company.

for

for illuminating purposes during the immediately preceding year, a reduction of five cents per thousand feet shall be made to consumers in the price of gas supplied for illuminating purposes for the then succeeding year, and such reduction shall continue to be made from time to time when the amount at the credit of the surplus profit fund shall be sufficient to warrant it upon the basis hereinbefore mentioned, and further reductions of five cents per thousand feet in the price of gas supplied for illuminating purposes shall be made from time to time when the amount at the credit of such fund shall so warrant upon the basis aforesaid.

Reduction of price of gas, used for manufacturing or heating.

2. Whenever the price of gas supplied for illuminating purposes shall be reduced to the price charged for manufacturing or heating purposes the price of the gas used for such latter purposes shall be subject to a like reduction as that used for illuminating purposes and shall be brought within this Act as to the operation of the said surplus profit fund in procuring the reduction in the price of gas.

When application of revenues under Act to commence.

3. The application of the revenues in the manner hereinbefore provided shall commence from and after the thirty-first day of January, 1896, being the date of the termination of the last financial year of the company, and the accounts of the funds in the next preceding section mentioned shall be made up to the thirty-first day of January in each succeeding year and the amounts to be from time to time placed to the credit of the surplus profit fund shall be so credited annually on the thirty-first day of January in each year.

Reserve fund.

4. When the said reserve fund of the company shall have reached an amount equal to one-half the par value of the paid up capital stock of the company and so long as the amount at the credit of such fund shall be equal to one-half the par value of the paid up capital stock from time to time issued, no further sum shall be placed to the credit of such reserve fund, but the whole of the surplus profits which would otherwise be divided equally between the reserve fund and the surplus profit fund shall be put to the credit of the latter fund.

Application of reserve fund.

5. The said reserve fund may be used to make good any damage by the act of God, the Queen's enemies, fire, tempest or explosion to the real property or plant of the company or for necessary new buildings or plant and such expenditures shall be deemed a proper investment of such reserve fund, but the amount to be hereafter placed to the credit of such reserve fund shall be so invested that one-fourth of the entire reserve fund of the company shall, as soon as practicable, be invested in interest bearing securities such as life insurance companies are or may be permitted to take as investments under the insurance Acts from time to time in force in this Province.



6. It is hereby declared that the present paid up capital stock of the company amounts to two hundred and fifty-five thousand dollars and that the amount now at the credit of such reserve fund is seventy-five thousand dollars which is invested in real property and plant of the company.

Capital stock  
and reserve  
fund.

7. If any new stock of the company shall be issued it shall be put up for sale by auction in lots of not more than ten shares of the par value of forty dollars each, after three weeks' notice by advertisement in at least two daily papers in the city of Hamilton, and the premium upon such new issue of stock shall be placed to the credit of such reserve fund until it has reached an amount equal to one-half of the then paid up capital stock of the company.

Sales of future  
issues of stock

8. The company shall permit the corporation of the city of Hamilton to make an annual audit of the receipts and expenditure of the company and of the accounts of or relating to the said reserve fund and the said surplus profit fund.

Annual audit.

9. If at any time the company shall make a reduction in the price of gas, before the amount at the credit of the surplus profit fund shall make it incumbent upon them to do so, such reduction shall be taken as a portion of the reduction which the consumers might thereafter be entitled to under the terms of this Act.

When reduction takes  
place before  
surplus profit  
fund renders  
it necessary.

10. If in any year the net profits of the company applicable to the payment of a dividend upon the paid up capital stock of the company are not sufficient to pay such dividend at the rate of ten per cent. per annum it shall and may be lawful for the directors, in their discretion, to draw upon the said reserve fund to the extent of any such deficiency and to restore any amount so drawn to the said reserve fund out of the earnings of the company by the annual payments provided for in the first section of this Act.

Drawing on  
reserve fund  
to make up  
deficiency in  
dividends.

## CHAPTER 113.

An Act to amend the Acts relating to the Land  
Security Company.*Assented to 7th April, 1896.*

## Preamble.

WHEREAS The Land Security Company (in this Act called "The Company") was incorporated under the provisions of the Act passed in the 36th year of Her Majesty's reign, chapter 128, under the name of The Toronto House Building Association; and whereas by the Act passed in the 45th year of Her Majesty's reign, chapter 80, the name of the said company was changed to The Land Security Company, and the said Act of incorporation was otherwise amended; and whereas the said Act of incorporation was further amended by the Act passed in the 48th year of Her Majesty's reign, chapter 82, and by the Act passed in the 52nd year of Her Majesty's reign, chapter 86, and by the Act passed in the 53rd year of Her Majesty's reign, chapter 132; and whereas 13,823 shares in the capital stock of the company have been subscribed, amounting to \$1,382,300, being the present subscribed capital of the company, and \$40 per share has been paid up on all the said shares so subscribed, excepting the sum of \$2,090.44, which is still owing by nine shareholders respectively upon 295 shares; and whereas by a resolution passed by the directors of the company on the thirty-first day of August, 1895, a call of \$10 per share was made on all the shareholders of the company payable on the first day of October, 1895; and whereas prior to the making of the said call the directors contemplated making application for an Act authorizing the company to issue preference stock, and that any calls made before the passing of such Act should have rights preferable to the capital paid up at the time of making such call; and whereas the said call has been paid up by shareholders having a large proportion of the said shares, and it is expected that the said call will be paid by other shareholders and it is possible that other calls may be made upon the shareholders; and whereas the company has by petition prayed that an Act may be passed authorizing the issue of preference stock

and

and providing as aforesaid in respect of such calls and amending the Acts relating to the company; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Land Security Company Act, 1896.*" Short title.

2. In this Act the expression "the directors" means the directors for the time being of the company, and includes any committee to which the powers or duties by this Act conferred on the directors may be delegated by the directors. The expression "the ordinary shares" means the existing 13,823 shares heretofore subscribed in the capital stock of the company, and includes the ordinary shares as from time to time existing by virtue of any division or reduction under the provisions of this Act. The expression "the regulations of the company" means the provisions of the Acts incorporating and relating to the company, the by-laws for the time being of the company, and the resolutions of the shareholders or of the directors from time to time passed.

Interpretation  
"directors,"  
"ordinary  
shares."  
  
"Regulations  
of the com-  
pany."

3. If and whenever the directors in the exercise of the powers vested in them by the regulations of the company make a call on the shareholders in respect of the ordinary shares held by them, respectively, it shall be lawful for the directors from time to time by resolution to determine that each of the said ordinary shares shall be divided into two shares, that is to say one preference share equal to the amount of the call, and one ordinary share of a nominal value equal to the nominal value of the share so divided, less the amount of the call, and that the call so made shall be treated as payable in respect of such preference share, and that the residue of the amount paid up on the ordinary share so divided shall be credited as paid up on the ordinary share of reduced amount resulting from such division, and such resolution shall fix the rate per centum per annum of preferential dividend and the date from which the same shall run as regards the preference shares or preference stock to which it relates, and every such resolution shall be filed in the office of the Provincial Secretary, and as and when any of the preference shares aforesaid are fully paid up they shall *ipso facto* be converted into stock to be called and known as "preference stock."

Changing  
ordinary  
shares into  
preference  
stock.

4. The provisions of the last preceding section shall be applicable not only as regards a call made after the passing of this Act, but also as regards the said call made on the thirty-first day of August, 1895, so far as may be desired or requested

Application of  
preceding  
section.



from time to time by the holders of any of the shares upon which such call was made, and after the passing of this Act the directors may pass a resolution providing therefor and file the same in the office of the Provincial Secretary.

Paying up ordinary shares without calls and converting same into preference stock.

5. The directors of the company may at any time and from time to time by resolution determine to offer to the holders of the ordinary shares the option of paying up in full in advance of calls all or any of the ordinary shares held by them respectively on the footing that the amount paid up shall in accordance with the provisions of this Act be converted into preference stock carrying a preferential dividend at a specified rate and from a specified date and that the ordinary shares so paid up in full shall be reduced by a sum equal to the amount so paid up thereon, and, in the event of such determination, the following provisions shall have effect, (that is to say):—

Notice of resolution of directors to be given to shareholders.

(1). Notice of the passing of such resolution shall be given to all the holders of ordinary shares by letter posted to the address of such holders from the head office of the company and shall state the rate per centum per annum of the preferential dividend attached to the preference stock mentioned in such resolution and the date from which such dividend is to run.

Time within which holder of ordinary shares may elect.

(2). Each holder of ordinary shares shall be at liberty to exercise such option as to all or any of his ordinary shares at any time within such period as may be fixed by the directors, not being less than fourteen days from the time when such notice shall have been posted to him and that by payment at the office of the company, and the directors may from time to time extend or renew such option or grant a new option of a like character.

When amount paid up is in excess of limit fixed by section 6.

(3). If the aggregate amount paid up in exercise of the option aforesaid would if converted into preference stock to any extent exceed the limit fixed by section 6 of this Act so much of the said amount shall be returned to the shareholders as shall bring the amount retained within the limit aforesaid, and suffice to pay up in full a specified number of their respective shares and such returns shall be made to the shareholders rateably in proportion to the amounts so paid up by them respectively.

Allotting preference stock.

(4). When and so soon as the directors shall have ascertained the amounts of the payments made in exercise of the said option and to be retained as aforesaid they shall by resolution determine by numbers the shares in respect of which such payments have been made and are to be retained and that such shares shall be reduced in amount by a sum equal to the amounts of the payments so made thereon and that fully paid



up preference stock shall be entered in the books of the company in the names of the holders of such shares equal in nominal value to the amount so paid up by them respectively and such resolution shall also state the rate per centum per annum of preferential dividend and the date from which the same shall run as regards the lot of stock to which it relates.

(5). Every such resolution shall be filed in the office of the Provincial Secretary. Filing  
resolution.

6. The preference stock created as aforesaid shall carry the right to a fixed cumulative preferential dividend as regards each respective issue or lot of stock at such rate per centum per annum and running from such date as may be fixed in the resolution filed with the Provincial Secretary as aforesaid relating to such issue or lot, (which date may be either before or subsequent to the date of said resolution) and subject to section 10 of this Act shall rank both as regards capital and dividend in priority to the ordinary shares and be entitled to have the surplus assets in a winding up available for distribution among the shareholders including uncalled capital applied accordingly but it shall not be entitled to any further participation in the profits or surplus assets of the company. All such preference stock shall rank *pari passu* without any preference or priority by reason of the date of creation or issue thereof or otherwise but the amount of such preference stock and of the preference shares if any shall not exceed in the aggregate sixty per cent. of the subscribed capital of the company. Rights of  
preference  
stockholders  
as to divi-  
dends.  
  
Ranking of  
preference  
stock.

7. Each holder of any of the preference stock or preference shares shall be entitled to one vote for every forty dollars of such stock or shares held by him and a holder of less than forty dollars thereof shall not be entitled in respect thereof to any vote and each holder of any of the said ordinary shares for the time being, shall be entitled to one vote for every forty dollars paid upon ordinary shares held by him. In all other respects the regulations of the company in force for the time being, shall apply to preference stock or preference shares *mutatis mutandis* in the same way as if the same respectively represented fully paid-up shares converted into stock or ordinary shares. Rights of  
preference  
stockholders  
as to voting at  
meetings.

8. The company shall file in the office of the Provincial Secretary a copy of any resolution passed pursuant to sections 3, 4 or 5, of this Act and if any such resolution be not filed as aforesaid within three months after it is passed the company shall incur a penalty not exceeding five dollars for every day after the expiration of those three months during which the copy is not filed and any manager or secretary of the company who knowingly and wilfully authorises or permits such Penalty for  
not duly fil-  
ing resolu-

default

default shall incur a like penalty and every penalty under this Act shall be recoverable summarily.

Meaning of references to shares in former document.

**9.** In any instrument executed before the passing of this Act references to shares of the company existing before the passing of this Act shall be construed as references to the ordinary shares and to the preference stock and preference shares of the company and in the case of any testamentary instrument executed before the passing of this Act any disposition which but for the passing of this Act would have operated as a specific bequest of any such first mentioned shares shall be construed as a specific bequest of the ordinary shares and preference stock and preference shares which may continue vested in the testator or of a proportionate part thereof as the case may be.

Act not to affect powers of company.

**10.** Save and except as by this Act is specially enacted nothing herein contained shall—

(1) Derogate from or abridge any power of the company under the provisions of any of the Acts relating to the company or

Nor liabilities of company.

(2) Alter or relax any limitation or condition as to the amount of the bonds, debentures or obligations of the company for the time being contained in the regulations of the company.

Act not to affect validity of pending proceedings.

**11.** Save and except as by this Act is specially enacted, nothing herein contained shall be deemed to render valid or invalid any act done or proceeding pending by or against the company before or at the date of the passing of this Act.

Redemption of preference stock.

**12.** The directors may in and by the resolutions aforesaid provide for the redemption of such preference stock at or after a date or dates and upon such terms as may be named in such resolution, provided always that no such redemption shall take place while any debentures of the company are outstanding.

Buying in and cancelling preference stock.

**13.** After payment of all debentures of the company the company may from time to time as they think fit and for the interests of the company but with the consent of the holders thereof buy up and cancel the said preference stock or any portion thereof.

## CHAPTER 114.

## An Act respecting the Port Arthur Water, Light and Power Company.

*Assented to 7th April, 1896.*

WHEREAS, the Port Arthur Water, Light and Power Com-  
 Preamble.  
 pany have by their petition represented that it is desirable to confirm a certain by-law of the Corporation of the Town of Port Arthur intituled, "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes," and numbered No. 461, which has been read a first and second time by the council of the said corporation, which by-law and the contract therein referred to are hereinafter set forth as schedule A to this Act; and whereas the said by-law and the said contract have received the assent of the majority of the ratepayers of the town of Port Arthur, who voted thereon on the 19th day of March, 1896; and whereas doubts exist as to whether the corporation is empowered to pass the said by-law and to enter into all the covenants and conditions of the contract therein referred to and set forth, and as to whether the said company has power under its charter to fully carry out the stipulations and agreements in said contract contained; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law of the corporation of the town of Port Arthur, intituled "A By-law respecting Waterworks, Electric Lighting and Power and other Services for Municipal Purposes," and being by-law No. 461, as set forth in Schedule A hereto, shall upon being read a third time and passed by the council of the corporation of the town of Port Arthur, be forthwith confirmed; and the said council is hereby declared upon pass-

By-law No  
 461 and con-  
 tract con-  
 firmed.

ing

ing the said by-law, to have full power and authority to enter into the contract in the said by-law referred to, and contained in Schedule A hereto; and the said contract when executed shall be valid and binding upon the said Corporation of the Town of Port Arthur and the said the Port Arthur Water, Light and Power Company, and upon all other persons interested therein, notwithstanding anything to the contrary in the Municipal Acts contained; provided that the said contract shall be executed and delivered by the said corporation and company, respectively, not later than the 1st day of June, 1896, and the sum of \$10,000 referred to in clause 19 of the said contract, shall be paid by the said company to the said corporation on the execution and delivery of the said contract, otherwise the said contract shall be wholly void.

Powers of,  
company  
not to extend  
to Neebing or  
Fort William.

2. The powers of the said the Port Arthur Water, Light and Power Company shall not extend to nor shall they be exercised in the municipality of Neebing or in the municipality of the town of Fort William, nor shall the said powers be so exercised as to control or appropriate the waters of the stream known as the Neebing river.

Costs of pend-  
ing proceed-  
ings not af-  
fected.

3. Nothing in this Act shall prejudice or affect the question of costs in any action or proceeding now pending.



## SCHEDULE A.

## TOWN OF PORT ARTHUR.

(No. 461.)

A by-law respecting waterworks, electric lighting and power and other services for municipal purposes.

The council of the corporation of the Town of Port Arthur enacts as follows:—

1. The mayor is empowered on behalf of this corporation to execute the contract between the corporation of the town of Port Arthur and the Port Arthur Water, Light and Power Company, a draft of which is hereto attached, marked as schedule A to this by-law, and which schedule is made a part of this by-law to be read therewith, after the same shall have received the assent of the electors and ratepayers as required by law.

2. This council declares, in pursuance of the statute in that behalf, that it is necessary in the public interest of this municipality that the compulsory powers proposed to be exercised by the said company under clause 21 of the said contract shall be exercised by the said company.

2a. Subject to the terms, conditions and stipulations contained in the said contract, the corporation of the town of Port Arthur consents that the said company shall be entitled so far as the jurisdiction of the corporation of the town of Port Arthur extends within the territorial limits of the said corporation to exercise all the powers held and enjoyed by companies incorporated under *The Act respecting Joint Stock Companies for Supplying Cities, Towns and Villages with Gas and Water*, R. S. O., chapter 164, and under *The Act respecting Companies for Steam and Heating or for Supplying Electricity for Light, Heat or Power*, R. S. O. chapter 165.

3. The votes of the electors, being the qualified ratepayers of the town of Port Arthur entitled to vote upon this by-law will be taken on this by-law by the clerk of the corporation of the town of Port Arthur, the returning officer in that behalf, by and through the several deputy returning officers herein-after named on Thursday, the nineteenth day of March, 1896, commencing at nine o'clock in the morning when the poll shall be opened, and continuing open until five o'clock in the afternoon of that day and no longer at the several undermentioned places in the town of Port Arthur namely:—

## IN THE FIRST WARD

at the council chamber on Park street in the said town by Mr. Neil McDougall, of Port Arthur. Divisional court clerk, as deputy returning officer for that ward.

## IN THE SECOND WARD

at the office on lot 5, W. Cumberland street in the said town by Mr. Herbert A. McKibbin, banker, of Port Arthur, as deputy returning officer for that ward, and

## IN THE THIRD WARD

at the red house on Tupper street in the said town by Mr. G. M. Francis of Port Arthur, gentleman, as deputy returning officer for that ward.

On Monday the sixteenth day of March 1896 at his office in the council chamber on Park street in Port Arthur at eleven o'clock in the forenoon the mayor shall in writing, signed by him, appoint two persons to attend at the final summing up of the votes by the clerk of this corporation and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of this by-law and a like number on behalf of the persons interested in and desirous of opposing the passing of this by-law respectively.

The said clerk shall attend at the council chamber on Park street at Port Arthur at noon on Friday the twentieth day of March, 1896 to sum up the number of votes given for and against this by-law, and at the same time and place in the presence of the persons authorised to attend or such of them as may be present and then and there declare the result and forthwith certify to the council of this municipality under his hand whether the majority of the electors, being the duly qualified ratepayers in that behalf voting upon this by-law have approved or disapproved thereof.

Council Chamber, Port Arthur.

Mayor.

Clerk.

---

This contract, made in duplicate this                      day                      , 1896, between the corporation of the town of Port Arthur hereinafter called "the corporation" of the one part, and The Port Arthur Water Light and Power Company, hereinafter called "the company" of the other part.

Whereas under an Act of the Legislature of the Province of Ontario, being 56 Victoria, chapter 78, assented to on the 27th of May, 1893, and by section 4 thereof, the council of the corporation is empowered to enter into a contract or contracts with any company or corporations for the construction of waterworks and the supply and consumption of water for municipal and domestic purposes extending over any term or period of not more than 30 years notwithstanding anything in *The Consolidated Municipal Act, 1892*, to the contrary, and

and by section 5 of the said Act it is provided that the powers conferred by the said section 4 shall not be exercised until after the council of the town of Port Arthur shall have first obtained the assent of the electors entitled to vote on money by-laws and until an agreement shall have been entered into between the corporation and the company providing for the acquirement by the corporation of the electric system and plant of the company upon terms mutually agreed upon nor until the contract between the corporation and the company as regards the supply of water shall have been put an end to by agreement, and which last mentioned contract has been so put an end to by agreement.

And whereas under negotiations between the council of the corporation and the company the stipulations in this contract hereinafter contained have been agreed to between the corporation and the company, subject to the assent being first obtained of the electors entitled to vote on money by-laws or other electors or ratepayers whose assent may by law be required.

Now therefore, it is witnessed that the company and the corporation mutually stipulate and agree with each other as follows :—

(1) The company to develop the Current river water power by diverting the Current river into McVicar's creek and erecting a dam or dams and constructing such flumes, pipes or conduits at some suitable point or points, with a capacity sufficient to develop during the existence of the ordinary volume or flow of the water 2,000 horse power at least and during the minimum volume or flow of the water 800 horse power at least, such power to be developed within two years within the territorial limits of the corporation.

(2) The company to put in such a system of lighting within the territorial limits of the corporation suitable for domestic, commercial and street purposes, as may be approved by the council of the corporation or found by arbitration to be sufficient and in compliance with the terms of this contract.

(3) The company to furnish electrical power on the corporation's feed wires sufficient to operate the street railway, to light and heat cars, to light car-barn and waiting rooms within the present territorial limits of the corporation and of the corporation of the town of Fort William and to give light sufficient at the Port Arthur, Duluth and Western Railway crossing on the Fort William road and also to furnish the power required for operating all machinery for repairing and maintaining the electric railway plant at the car-barn in Port Arthur at all times during the period this contract shall be in force, and for which the company is to be paid by the corporation \$3,300 per annum for the first two years and \$5,000 per annum thereafter, all in monthly payments, such power to be available for a period not less than 140 hours per week and at such hours as required by the corporation, and the corporation is not to be limited in the number of cars it may see fit to

operate



operate. The corporation to keep its line, cars, etc., in reasonable repair so that there may be no unnecessary waste of power. Feed wire to be taken by the corporation to dynamo within the territorial limits of the corporation. The company to have, so far as the consent of the corporation can legally be given, permission to use, but not exclusively, the corporation's poles within the corporation's territorial limits and within the territorial limits of the town of Fort William.

(4) The company to put in a system of waterworks covering three miles of mains at least, to be laid on such streets and places as the council of the corporation may approve of, with twenty hydrants to be placed by the company as the corporation may direct, with drip attachment, of the most approved pattern, with two hose nozzles and steamer nozzle each, for fire purposes, having a pressure of seventy pounds to the square inch at the corner of Cumberland and Arthur streets and with a proportionate pressure over the whole system, and the mains to be of sufficient size to furnish six hose streams through 100 feet of hose through a one-inch nozzle with the above pressure at any one time. The company to keep such system in a good and workable condition and the hydrants ready for use at all times for fire purposes. After one month's application, in writing, shall have been made to the company by any intending consumer of water that such consumer requires water to be delivered at the outside edge of the side of the street adjoining the dwelling house, store, building or lot specified in the application to be supplied with water, the company shall lay the requisite pipes so as to supply to such consumer in respect of such dwelling-house, store, building or lot the said water so required to be supplied during the times applied for at a price not exceeding the rates specified in this contract.

(5) The company to furnish any surplus power to consumers after furnishing power for the street railway, for light and waterworks or other works of the company, at a rate not to exceed \$26 per horse power per annum (24 hours a day), such consumers to furnish their own wheels and machinery. Electrical power to be furnished at a proportionate rate.

(6) The company to purchase from the corporation the engines, dynamos, boiler and other plant and equipment of the corporation at the corporation's power house (not including the power house) at a price to be mutually agreed upon between the company and the corporation, or by arbitration, (such purchase price to be deducted from the amount which shall become due from the corporation to the company for services) and such purchase price to be payable in thirty-six equal semi-annual instalments of principal with interest at four per cent per annum, but such interest shall only commence to run two years from the execution and delivery of this contract, and the first payment of such principal and interest shall be made six months after the expiration of the said two years. In case the company shall fail to meet its payments on the said engines,

dynamos,



dynamos, boiler and other plant and equipment, the same may, at the corporation's option, revert to and become the property of the corporation. The said plant shall at all times be kept insured by the company in favor of the corporation as its interest may appear from time to time. The company to keep the said plant and machiney in a good and efficient condition and up to at least its present value, subject to the ordinary depreciation for wear and tear. The company shall have the right on giving the corporation three months' notice in writing to pay the corporation all sums due and accruing due under this or the next following clauses of this contract or either of them. The company to have the use of the power house, free of charge, for two years, if required; it to keep the same in ordinary repair and insured for \$1,500 in favor of the corporation.

(7) The \$7,000 to be paid by the corporation for the plant franchises, etc., taken over in 1895 from the Port Arthur Water, Light and Power Company, to be repaid by the company to the corporation as follows:—

\$2,500 when the company shall be entitled to the first \$2,500 of a return of their deposit of \$10,000; \$2,500 when entitled to the second \$2,500; and \$2,000 when entitled to the further payment of \$2,000 as specified in clause 19 of this contract. The property in the plant, until \$7,000 shall have been paid by the company to the corporation, to remain in the corporation, the possession thereof merely being until then in the company. The corporation shall have the right to retire the \$7,000 of the said outstanding notes by taking that amount out of the deposit of \$10,000, and no interest to be allowed or paid by the corporation or the company to the other under this clause.

(8) The price to be paid by the corporation to the company for hydrants per annum is to be for twenty hydrants \$1,700, for thirty hydrants \$2,250, for forty hydrants \$2,600, for fifty hydrants \$3,000, and for each hydrant over fifty, \$50 payable monthly.

(9) The company may proceed with the waterworks system contracted for at any time after the execution and delivery of this contract, but the corporation need not, unless it so desires, take any hydrants for two years thereafter, but the company shall be bound, on demand in writing from the corporation to it, to complete the said system within six months next after the first of May in any year and supply the said hydrants and water service contracted for, thirty days' written notice to that effect having been first given by the corporation to the company before the first of May in any year, and the company shall pay to the corporation five (\$5) dollars per day as ascertained and liquidated damages for every day that the said waterworks system is not completed after the expiration of the said six months.

(10) The company's rates for the supply of water for the services mentioned in the schedule A attached to this contract shall not exceed the rates therein specified

(11) The company, for thirty-two candle-power lights for street purposes shall be paid per annum for sixty thereof \$1,000 for the first two years and \$1,300 per annum thereafter, extra lights up to 100 at \$20 each, and extra lights up to 200 \$18 each, and for extra lights over 200 \$15 each, payable monthly, lamps to be lighted from sunset to sunrise. The company to furnish all lamps renewals and to put them in.

(12) Domestic rates per month for lights shall not exceed the rates shown in the following schedule, regulated according to the number of lights and the candle power of the light.

No. of lights.	C. P. 10.	C. P. 16.	C. P. 20.	C. P. 32.	C. P. 45.	C. P. 60.	C. P. 100.
1....	.40	.60	.75	1.20	1.70	2.25	3.75
2....	.80	1.20	1.50	2.40	3.40	4.50	7.50
3....	1.20	1.80	2.25	3.60	5.10	6.75	11.25
4....	1.60	2.40	3.00	4.80	6.80	9.00	15.00
5....	1.90	2.90	3.60	5.80	8.20	10.90	18.15
6....	2.20	3.40	4.20	6.80	9.60	12.80	21.30
7....	2.50	3.90	4.80	7.80	11.00	14.70	24.45
8....	2.80	4.40	5.40	8.80	12.40	16.60	27.60

Each additional lamp, 16 c. p. 45c., 20 c. p. 55c., 32 c. p. 90c. 45 c. p. \$1.30, 60 c. p. \$1.70.

Domestic lights to be operated all night.

(13) The company is to supply consumers with lamps and fittings at a rate not to exceed 20 per cent. advance on wholesale prices. When the population of Port Arthur shall have reached 5,000 and so long as that population shall continue to be at least 5,000 the rate for lights is to be reduced proportionately from the above schedule rates, assuming a basis for a sixteen candle power to be 50 cents per month and not 60 cents. Meter rates are to be on a proportionate rate, having regard to the difference between meter rates and fixed rates based as at a price of 60 cents for sixteen candle power to be reduced to 50 cent basis when 5,000 population. Meters, at the election of consumers, shall be supplied by the company to the consumer on rental or on purchase, not to exceed 20 per cent. advance on cost or at a reasonable rent. Meter rates in proportion to schedule as above.

(14) The water to be supplied by the company shall be of good quality in every way suitable for domestic purposes.

(15) The waterworks are to be extended by the company from time to time, as sufficient business shall arise to earn at least 10 per cent. gross on each extension.

(16) The corporation shall have the right to expropriate or take over by mutual agreement, or by arbitration, after twenty years after this contract goes into operation, by giving to the company twelve months' previous notice in writing to that

effect, all electric light plant and power sufficient to operate the lighting of the town of Port Arthur and the town's electric railway, and to expropriate or take over by mutual agreement or by arbitration the said waterworks and as much water and power as the company shall at that time find necessary or be actually using to effectually operate the said waterworks and supply the said water and power. Should the said plants not be taken over at the end of the said twenty years, the corporation to have the right to take them over at the end of each and every five years thereafter by giving one year's notice in writing thereof to the company.

(17) The company shall establish, maintain and continue in operation, or cause to be established, maintained and continued in operation, a pulp manufacturing industry within the town of Port Arthur seven months in the year on an average, which industry shall employ at least seventy-five hands, twenty-five of whom shall be employed within the corporation's territorial limits at all times throughout the said seven months of each year, and it shall be completed and in full operation within two years from the execution of this contract, and on failure to complete or cause to be completed the said industry within the time in this clause mentioned the company shall be liable to pay to the corporation as liquidated and ascertained damages \$10 for every day until the said industry is completed and in operation within the meaning of this contract.

(18) The company to furnish free to the corporation all water required for flushing sewers, sprinkling streets, and for the general purposes of the civic offices and the fire hall and for one fountain, and all lights required for the council chamber and civic building, in lieu of all taxes on the company's realty and plant and stock in trade of wood and pulp, but the company shall not be exempt from the payment of school taxes or local improvement taxes or taxes on its personal property other than the said plant and stock in trade of wood and pulp.

(19) The company shall deposit, on the execution and delivery of this contract, as security for the due performance on its part with the corporation, \$10,000, which the corporation will repay to the company as to \$2,500 thereof when the dam on the Current river shall have been built, \$2,500 when the said Current river shall have been diverted into McVicar's creek, \$2,000 when the said railway and lighting are operated by water power, and \$3,000 when the said industry shall have been established, all in compliance with the stipulations on the part of the company in this contract, which sum shall be forfeited on failure to carry out this contract.

(19a) Upon the deposit with the corporation by the company of the sum of \$10,000 under the preceding clause hereof, the stock of the said company now held in trust by the corporation or its nominees shall be reassigned to the company or to whomsoever it shall appoint.



(20) All works (excepting waterworks) embraced in the terms of this contract shall be by the company *bona fide* commenced within six months from the execution and delivery of this contract and thereafter prosecuted to completion with due expedition.

(21) This contract shall be in force for twenty years from the time when it shall have been finally executed and delivered and the corporation in so far as it is thereby empowered by law shall, having reference to and to further the objects of clause 18 of this contract, exempt during the continuance of this contract the company's realty and plant and stock in trade of wood and pulp from all municipal taxation except for school taxes and local improvement taxes, as specified in the said clause 18, but all other personalty of the company shall not be exempt from, but be liable to taxation; and such powers as the corporation has with respect to water, lighting, heat and power, were works of that description being carried on by the corporation itself, the corporation will aid the company to obtain to the extent of the authority of the corporation, including the compulsory powers referred to in section 58 of *The Gas and Water Company's Act*, R. S. O. chapter 164, and in sections 4, 10, 11 and 13 of *The Municipal Waterworks Act*, chapter 192, R. S. O. so far as the power or powers to be exercised and the property or properties in respect to which it or they is or are to be exercised are specifically set out in a report and delineated and colored blue on a plan dated the 5th December, 1888, made by Messrs. Malhiot and Murdoch, civil engineers, filed in the office of the clerk of the corporation, and all such further powers with respect to the expropriation of property which may be requisite from time to time by the company during the existence of this contract so far as the powers of the corporation extend, but anything stipulated for in this clause shall be at the sole cost, charges and expenses of the company and not of the corporation.

(22) The company shall do, execute and complete the works and services and perform the stipulations on its part contained in this contract with due expedition and in strict accordance with this contract, finding over and above all other things specifically mentioned in the contract to be supplied by the company all other material, tools, plant, machinery, labor and workmanship and all other things necessary for the due and proper execution of the said works and services (except where and as otherwise specifically mentioned in this contract) and shall maintain and keep in perfect order and in complete repair the said works and services during the continuance of this contract and shall observe and keep all the terms and conditions thereof on its part, and the company shall indemnify and keep indemnified the corporation and each of its officers, servants and agents from all and all manner of loss, damage, injury, actions, suits, liens and demands on account of the said works and services or which may be incurred by reason or in conse-



quence of the execution or non-execution or imperfect execution thereof or the supply or non-supply of plant or material therefor, and the company shall pay to the corporation and to such officer, servant or agent thereof on demand any expense, loss, costs, or damages which may be sustained by them or any of them in consequence of any such action, suit, claim, lien or demand and any moneys paid by them or any of them in settlement or discharge or on account thereof; provided always that nothing in this clause contained shall entitle the corporation to the payment of any money not consented to by the company, except to the extent of an award or other judgment of which the company has had due notice, and any sum so found to be due by the company may be deducted by the corporation from any moneys payable by the corporation to the company under any of the clauses of this contract or may be recovered by the corporation from the company as moneys paid at the company's request.

(23) Failure by the company to carry out any of the stipulations on the part of the company contained in this contract will work an absolute forfeiture at the election of the corporation of the rights of the company under this contract.

(24) Subject to any express provision in this contract to the contrary, all disputes and differences between the corporation and the company of every nature or kind arising out of this contract or connected therewith or incidental thereto shall be submitted and be settled and finally determined by arbitration and by arbitration only (subject to the jurisdiction of the High Court) in accordance with the principles, practice and procedure relating to the appointment of arbitrators, governing the conduct and course of arbitrations and the making of awards provided for in *The Consolidated Municipal Act, 1892*, sections 385 to 404 inclusive. In witness whereof, the seal of the corporation under the hands of its mayor and clerk respectively and the seal of the company under the hands of its president and secretary respectively are severally hereto affixed.

Signed, sealed and delivered  
in the presence of

---

Schedule of rates referred to in clause 10 on page 6 of the annexed contract dated on the \_\_\_\_\_ day of \_\_\_\_\_ made between the corporation of the town of Port Arthur, thereto of the one part, and the Port Arthur Water, Light and Power Company thereto of the other part.

PRIVATE HOUSES.		
	Ordinary rate without extras.	Consolidated. rate.
1 Room .....	\$ 3 75	.....
2 " .....	4 50	.....
3 " .....	6 00	.....
4 " .....	7 50	.....
5 " .....	9 00	\$15 00
6 " .....	12 00	18 75
7 " .....	15 00	22 50
8 " .....	18 00	26 25
9 " .....	20 25	29 25
10 " .....	22 50	32 25

The consolidated rate includes one water-closet, one bath and one wash basin with tap and sink.

Extras if consolidated rate is not paid :

Baths, each .....	\$ 5 00
Water-closets, each .....	6 00
Wash basins, each .....	4 00
Alcohol, each barrel manufactured .....	20
Ale cellar .....	\$15 00 to 50 00
Bakery, each barrel of flour used daily ....	10 00
Bar-room.....	\$15 00 to 50 00
Barber shop, first chair .....	6 00
Barber shop, each additional chair .....	3 00
Bath, private, each tub .....	5 00
Bath, hotel or boarding house.....	10 00
Bath, public, each tub.....	12 00
Brewery, each barrel brewed, meter or ....	08
Beer house.....	\$15 00 to 50 00
Billiard saloon, each table .....	4 00
Boarding houses, up to 10 rooms.....	private rate
Boarding houses, over 10 rooms, per room..	1 50
Bookbindery, per hand \$2, minimum.....	15 00
Brick work, per M kiln count.....	15
Brick yard, each table or gang for season..	25 00
Church.....	\$5 to 10 00
Candle factory.....	meter
Candy factory.....	meter
Cigar manufactory, per hand, minimum \$20	2 00
Coffee saloon .....	\$15 to 50 00
Confectionery.....	\$15 to 100 00
Concrete, per cubic yard.....	20
Cow .....	2 50
Dyeing and scouring .....	meter
Fire protection stand pipes to be used only in case of fire, 4-inch attachment per annum	100 00
3 " " " " " "	75 00
2 " " " " " "	50 00
1 " " " " " "	20 00
Forge .....	5 00
Fountains, special contract, 6 hours daily, 7 months, 1/16-inch jet.....	25 00

Hall.....	special or meter rates	
Hose, private stables.....	\$5 to	20 00
Livery " meter or .....		50 00
Hose for sprinkling street or lawns, washing fronts and sidewalks, 20 cents per lineal foot up to 50 feet, 15 cents per foot addi- tional.		
(Hose not allowed for any purpose except where whole premises are rated.)		
Hotel up to 10 rooms.....	private rates	
over 10 rooms.....	special or meter rates	
or per room.....		1 50
Ice cream saloon.....	\$15 00 to	75 00
Laundry.....	by meter	
Locomotive.....	by meter	
Machine shops, special or meter, or per horse power .....		6 00
Office or bank .....	\$6 00 to	25 00
Packing house .....	special or meter	
Photographing .....	\$15 00 to	30 00
Plastering, per square yard. ....		01
Printing office, per hand.....		2 00
minimum .....		10 00
Railroads.....	special or meter	
Restaurant .....	\$25 00 to	100 00
Saloon.....	\$25 00 to	50 00
Schools, each scholar.....		05
Slaughter house .....	meter	
Soap factory .....	meter	
Soda factory .....	meter	
Steam boiler, meter or per horse power ....		6 00
Steam heating, per each house.....		8 00
large buildings....	\$15 00 to	30 00
Stock yards.....	meter	
Stone work, per perch .....		06
Stores and shops.....	\$10 00 to	25 00
Urinal basin, private .....		6 00
" " public .....		10 00
Vehicles (no hose attachment).....		2 00
Water-closets, stores and offices.....		6 00
" " hotels and public .....		10 00

## GENERAL METER RATES.

				Per 1,000 gal.
30,000 gals. or less		per month.....		.40
30,000 " to 60,000 gals.		" .....		.35
60,000 " " 100,000 "		" .....		.33
100,000 " " 150,000 "		" .....		.30
150,000 " " 300,000 "		" .....		.28
300,000 " " 500,000 "		" .....		.25
500,000 " " 700,000 "		" .....		.23
700,000 " " 1,000,000 "		" .....		.20

## CHAPTER

## CHAPTER 115.

## An Act respecting The Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS the Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada, has by its petition prayed that an Act may be passed authorizing the said corporation to issue debentures from time to time and to borrow money thereon and secure the same by mortgages of any portion of the real property of the said corporation, such mortgages to be made to trustees for the holders of the said debentures, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority  
to issue  
debentures.

1. The said The Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada may, from time to time, execute and issue debentures in currency or sterling and in such sums not less than \$100 each, and at such rate of interest and redeemable at such times and places as the said corporation may determine, and may raise money upon the said debentures for the purpose of purchasing real estate for any of the purposes of the said corporation, or for the purpose of erecting, finishing or repairing any church, chapel, seminary or clergyman's residence erected or to be erected, and for enlarging the same, or to pay off any debt which may have been or may be incurred by such corporation, and may call in and pay off any such issue of debentures and in like manner issue further debentures for the purpose of paying off and retiring debentures which may from time to time become due.

Execution of  
debentures.

2. The debentures hereby authorized to be issued, shall be executed by the Archbishop or Bishop, as the case may be, of the Diocese of Kingston for the time being, and his coadjutor

or



or senior Vicar General, with one additional clergyman, or by two clergymen in the event of there being neither coadjutor or senior Vicar General, with the seal of the corporation affixed thereto.

3. The said corporation may secure any issue of debentures made under the authority of this Act by a mortgage deed or deeds granting such mortgages, charges and encumbrances upon any portion of the property, assets, rents and revenues of the corporation present or future or both, as described in the said deed, and every such mortgage shall be made to trustees for the holders of the debentures issued under the authority of this Act.

Mortgages to secure debentures.

4. By any such deed the corporation may grant to the holders of such debentures or to the trustees named in such deed, all powers, rights and remedies not inconsistent with the laws of this Province, or may restrict the said holders in the exercise of any such powers, privileges or remedies, as the case may be; and all the powers, rights and remedies, so provided for in such deed shall be valid and binding and available to the said holders or to the said trustees.

Powers of debenture holders.

5. The person or persons, or corporations, from whom such monies shall be borrowed on the security of the said debentures, shall not be obliged to see to the application of the said monies or of any part thereof.

Lender not to see to application monies borrowed.

6. Every mortgage deed executed to secure the payment of debentures issued under the authority of this Act, shall be deemed to be duly executed, if made in compliance with the form set out in schedule A, to the said Act passed in the 46th year of Her Majesty's reign, chaptered 66, and executed in the manner prescribed in section 4 of the said Act.

Execution of mortgages to secure bonds.

7. Every debenture issued under the authority of this Act shall contain, upon its face, a statement showing the date of any mortgage deed executed to secure the re-payment of the particular issue of debentures to which the said debenture belongs, with the names of the trustees to whom such mortgage was given, with the place of registry, the registered number and date of registration of such mortgage.

Particulars to be stated on debentures.

8. All monies borrowed by and in the name of the said corporation for which debentures have been issued and mortgages given to secure the same as provided by this Act shall form a lien and are hereby declared to be incumbrances upon the lands covered by such mortgages, and the said corporation is hereby declared to be bound for the payment of the same, notwithstanding that at the time of the issue of such debentures the said corporation may have had no power to borrow money

Moneys borrowed to be a charge on property.

thereon

thereon, and this Act shall not be held to relieve or discharge the said corporation of or from any liability or claim now existing against the same.

Act incorporated with 8 V. c. 82, and 64 V. c. 66.

9. This Act shall be read with and shall form one Act with the Act passed in the 8th year of Her Majesty's reign, chaptered 82, and the said Act passed in the 46th year of Her Majesty's reign, chaptered 66, and the powers by this Act conferred shall be deemed to be in addition to, and not in amendment or substitution of the powers conferred upon the corporation by the said Acts.

---

## CHAPTER 116.

An Act to enable the Trustees of the Congregation of Knox Church, Acton, to sell certain Lands in the Village of Acton.

*Assented to 7th April, 1896.*

WHEREAS John Stalker, of the township of Esquesing, <sup>Preamble.</sup> in the county of Halton and Province of Ontario, farmer, James Elliott Cobban, of the village of Acton, in the said county of Halton, tanner, and Alexander McDonald, of the township of Nassagaweya, in the said county of Halton, farmer, have by their petitions represented that by virtue of a deed bearing date the 6th day of February, A.D., 1864, and made pursuant to an Act intituled, *An Act for the Union of certain Presbyterian Churches therein named*, and chaptered one hundred and twenty-four, one Ruth Adams, of the said township of Esquesing, widow, who was at that time seized in fee simple of the land and tenements hereinafter described, did, for the consideration therein named, grant and convey to Archibald McNab, Alexander Mann and Alexander McDonald, the then trustees of the congregation of Knox Church, Acton, and their successors in perpetual succession to be appointed, the said lands, viz: "All and singular that certain tract or parcel of land and premises situate in the township of Esquesing, and county of Halton, containing by admeasurement thirty-four perches, being composed of a part of the easterly half of lot number twenty-eight in the second concession of the said township of Esquesing, butted and bounded and which may be otherwise described as follows, that is to say: Commencing with the easterly limits of the said half-lot at the distance of two chains and eighty-eight links from a post planted at the northerly angle of the aforesaid half lot, thence south forty-one degrees thirty minutes east one chain seven links to a post, thence south forty-eight degrees thirty minutes west two chains to a post, thence north forty-one degrees thirty minutes west one chain seven links to a post, thence north forty-eight degrees thirty minutes east two chains to the place of beginning." To have and to hold the same with the building or buildings erected or to be erected thereupon, and all the appurtenances and privileges thereof to them the said trustees and to their successors

in

in trust forever, but nevertheless upon special trust and confidence that the same be held by the trustees and their successors for the sole use of the congregation, to be composed of the persons in full communion with the church, as specified in said deed ; and whereas it was further provided by said deed that, should anyone or more of the said trustees, whose number should be three, remove from the congregation, cease to be members, die or resign their office, the congregation for the time being should, at an annual or general meeting, elect a successor or successors to such trustee or trustees ceasing to be such, and that a record of such election should be preserved in a book kept for the purpose of recording the proceedings of such meetings, and to be signed by the chairman and secretary of such meetings ; and it was also provided that in such trustees and their successors in the trust should be vested all the property then held by the congregation or at any time thereafter to be held or acquired, but nevertheless in trust for the sole benefit and use of the said congregation ; and whereas it was further provided by the said deed that the said trustees and their successors in the trust should have no power to alien, sell, burden or affect with debt any of the said property without the consent of a majority of at least three-fourths of the said congregation and even then by such vote it should not be sold except for the purpose of procuring a site for or building another church or applying the proceeds to religious purposes as might be determined by a majority of the members as aforesaid ; and further in order that any annual or general meeting at which the said property might be mortgaged, affected with debt or sold, might be regularly called, an intimation thereof announcing the object thereof should be given in the church at the conclusion of public worship on the two Sabbaths nearest preceding such meeting on which there should be public worship in the church ; and whereas it further appeared by said petitions that the said petitioners are duly appointed trustees of the said congregation, and that the said congregation has recently purchased a new site in the said village of Acton and has erected a new church thereupon, and the old church property, being the said lands and premises above described with the buildings and erections thereon are no longer required by the said congregation and are of no benefit in their present state to them, and it is necessary and expedient for providing funds for the purpose of purchasing a site and building sheds thereon and for other expenditures of the congregation, that the same should be sold ; and whereas it is further shown by the said petitions that it has been found impracticable and utterly impossible to obtain a meeting of the said congregation at which should be present three-fourths of the total membership of the church, as provided under the trusts and provisions of the said deed in order to carry out any sale that might be desired, and at a meeting duly called for such purpose the said trustees were instructed to apply for



the necessary legislation to enable them to sell the said old church property ; and further that the Presbytery of Guelph, to which the said congregation of Knox Church, Acton, belongs, had granted permission for such sale as far as they had power to do so ; and whereas the said trustees have by their said petitions prayed that an Act may be passed to enable the said lands to be sold and disposed of for the purposes hereinbefore set forth ; and whereas it is expedient to grant the prayer of the said petitions ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All and singular the lands and premises hereinbefore described, together with all the appurtenances and privileges thereof, are hereby vested in John Stalker, James Elliott Cobban and Alexander McDonald, being the trustees of the congregation of Knox Church, Acton, in connection with the Presbyterian Church of Canada, and their successors in office and assigns forever, for all the estate and interest therein conveyed and assured or intended so to be by the deed of the 6th day of February, 1864, made by the said Ruth Adams to the said Alexander McNab, Alexander Mann and Alexander McDonald, upon trust to hold the same for the benefit of the said congregation as hereinafter mentioned, subject nevertheless to all incumbrances, if any, now affecting the said lands or any part thereof or any estate or interest therein.

Lands vested  
in present  
trustees.

2. The said trustees and their successors in office are hereby authorized and empowered to sell and convey the whole or any part of the said lands and premises at such times and prices, and on such terms, and by private sale or public auction as they may think best, and to give time for the payment of the purchase money thereof, or any part thereof ; and to take mortgages or a mortgage to secure the unpaid purchase moneys or any part thereof.

Power to sell.

3. No purchaser of the said lands and premises, or of any part thereof, shall be bound to see to the application or be answerable for the non-application or misapplication of the purchase money paid by him, or any part thereof.

Purchaser  
need not see  
to application  
of purchase  
money.

4. The said trustees and their successors in office shall apply the proceeds of the sale of the said lands and premises, or of such part or parts thereof as may be sold, after deducting all necessary expenses connected with the sale and conveyance thereof, towards purchasing another site within the limits of the said village of Acton, and erecting sheds thereupon, and so far as the said proceeds shall not be required for such purpose, the said trustees and their successors in office shall apply the same to the purposes of the said congregation.

Application  
of proceeds of  
sales.

## CHAPTER 117.

An Act to incorporate the Synod of the Diocese of Ottawa in connection with the Church of England in the Dominion of Canada.

*Assented to 7th April, 1896.*

Preamble.

WHEREAS it has been determined that the Diocese of Ontario in connection with the Church of England in the Dominion of Canada, shall be divided into two dioceses by setting apart from the said Diocese of Ontario the following territory, namely :—the counties of Lanark, Renfrew, Carleton, (including the city of Ottawa), Russell, Prescott, Stormont, Dundas and Glengarry and the District of Nipissing as bounded and set off by the Legislature of Ontario, save and except that portion thereof lying north of the Mattawa river and Trout lake and of a line produced westerly to where the said lake is intersected by the northern boundary of the township of Ferris and north of that boundary produced westerly to the easterly shore of Lake Nipissing, the territory so set apart to constitute a diocese to be called the Diocese of Ottawa in connection with the said church; and whereas it is expected that the division of the said diocese will be completed within a short time and it is expedient to provide means for the proper division of the property of the present Diocese of Ontario between the two dioceses, and to enable the said new diocese of Ottawa to arrange its affairs and to receive and hold such part of the said property as it shall be entitled to by incorporating the synod of the said proposed diocese when formed; and whereas the executive committee of the said Diocese of Ontario has prayed that the synod of the said proposed Diocese of Ottawa, should, on the formation thereof, be incorporated, and should have the powers and authority hereinafter conferred upon it, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The bishop, clergy and laity members of the Church of England in the Dominion of Canada within the limits of the said proposed Diocese of Ottawa shall from the time of the consecration, or in the case of the election of one who is already a bishop from the installation and induction, of the first bishop of the said diocese, be a body corporate and politic under the name of "The Incorporated Synod of the Diocese of Ottawa."

Incorporation  
of synod of  
Ottawa.

2. The Synod of the said Diocese of Ottawa shall be composed and consist of the bishop of the diocese, for the time being, the priests and deacons of the same, holding the license of, or otherwise under the jurisdiction of the bishop of the said Diocese of Ottawa, and of the lay representatives from the several parishes within the boundaries of the said Diocese of Ottawa, to be elected as provided for by the constitution and regulations of the Synod of the Diocese of Ontario until the Synod of the Diocese of Ottawa shall by canon or otherwise have adopted or may from time to time adopt other constitution or regulations in that behalf; provided always that the Chancellor and Registrar of the said Diocese may, with the consent of the Synod, be *ex officio* members of the said Synod.

Constitution  
of new synod.

3. All the canons of the said Synod of the Diocese of Ontario, except canon VI., "seal of synod," canon XX., "surplus income of the Kingston rectory," section 5 of canon XXIV., "the election of a bishop and sub-division of the diocese" and canon XXV., "the patronage of rectories" shall be canons of the synod of the said Diocese of Ottawa, substituting the word "Ottawa" for the word "Ontario" wherever the same occurs in said canons, until the same are altered or repealed by the said synod of the diocese of Ottawa.

Canons of diocese of Ontario  
to be canons of  
new diocese.

4. All powers, rights, and privileges which by any statute have been conferred upon the Incorporated Synod of the Diocese of Ontario shall be held and enjoyed by the said Incorporated Synod of the Diocese of Ottawa from the time of the incorporation thereof as regards all matters and property within the limits of the said Diocese of Ottawa.

Powers of diocese of Ontario  
to be powers  
of new synod  
as to matters  
in the diocese.

5. The Incorporated Synod of the Diocese of Ottawa shall and may receive and take from the Incorporated Synod of the Diocese of Ontario or from the bishop of the said diocese, or from any other person whomsoever, any property, real or personal, of right belonging to the said Diocese of Ottawa and shall discharge the trusts relating thereto and the said Incorporated Synod of the Diocese of Ontario, bishop of the said Diocese of Ontario, or other person, shall from the time of the

Power to take  
property from  
synod of Ontario  
and discharge trust.

transfer



transfer of such property to the said Incorporated Synod of the Diocese of Ottawa be discharged from such trusts.

Lands, etc.  
vested in  
synod of  
Ottawa

6. All land within the limits of the said Diocese of Ottawa or elsewhere held by the Incorporated Synod of the Diocese of Ontario or by the bishop of the said Diocese, upon any special trust or purpose for the benefit or advantage of any church, parsonage, rectory, person, or party, or otherwise howsoever, in connection with the Church of England in the said diocese shall become vested in the said Incorporated Synod of the Diocese of Ottawa immediately upon the incorporation thereof.

Transfer of  
lands held in  
trust for cer-  
tain purposes.

7. All lands situate within the limits of the said Diocese of Ottawa held by any person or corporation upon any special use, trust, or purpose for the benefit of any church, burying-ground, parsonage, or rectory of the Church of England within the limits of the said Diocese of Ottawa may by such person or corporation, with the consent of those beneficially interested, be transferred to the Incorporated Synod of the Diocese of Ottawa as trustee.

Assignment of  
the synod of  
Ottawa's share  
in funds, etc.

8. The said Incorporated Synod of the Diocese of Ottawa may take and receive from the Incorporated Synod of the Diocese of Ontario, by assignment or conveyance, such proportion of the funds and property held in trust for various purposes by the said Incorporated Synod of the Diocese of Ontario as the said Incorporated Synod of the Diocese of Ottawa may become entitled to by virtue of any agreement or arrangement arrived at between the synods of the said dioceses, and shall hold such property as regards the Diocese of Ottawa upon trusts similar to those on which the same are then held by the said Incorporated Synod of the Diocese of Ontario.

Power to take  
property by  
devise, etc.

9. The said Incorporated Synod of the Diocese of Ottawa may take and receive any devises or bequests of lands, or any interest therein, or other property, for any purpose connected with the Church of England in the said diocese, or in connection with any of the objects or work carried on by the said synod to the same extent as the Incorporated Synod of the Diocese of Ontario is capable of taking and receiving the same.

Power to  
dispose of  
lands.

10. The said Incorporated Synod may sell and absolutely dispose of any lands or property held by it in trust for any purpose, and the said power may be executed by the executive committee of the said synod or any sub-committee thereof to which the same may be delegated by the said executive committee, provided, however, that if the land or other property to be sold or disposed of is held in trust for the benefit of any parish in the said diocese the power of sale or disposition hereby given shall not be exercised without the consent

Proviso.



of the vestry of such parish lawfully convened for the purpose of considering such sale or disposition.

**11.** The Bishop of the said Diocese of Ottawa, for the time being, shall have the administration of all lands and personalty vested in him or conveyed to him for the endowment of his see, or for the general uses of the said Church of England, or for the use of any particular church or chapel erected, or hereafter to be erected, or for the endowment of any parsonage, church, chapel, living, or for other uses or purposes appurtenant to such church in general, or to any particular church or parish, and by and with the consent of the executive committee of the Incorporated Synod of the Diocese of Ottawa, may sell, alien and transfer any lands or personalty vested in or conveyed to him for the general uses or purposes of the said see, or of the said church, and may also by and with the consent and participation of the rector or incumbent, and the corporation of the parish wherein the same may be situate, and with the consent of the said executive committee sell, alien and transfer any land or personalty vested in or conveyed to him for the endowment of any parsonage, or living, or for the uses or purposes appurtenant to any particular church, chapel or parish; and the parson or other incumbent of any parsonage, church, chapel, or living, to whom any lands or personalty shall have been or may be hereafter conveyed for the endowment of such parsonage, church, chapel, or living, may sell, alien and transfer the same, by and with the consent and participation of the bishop of the said church in the said diocese for the time being, and by and with the consent of the said executive committee; provided always that the price or consideration of such sales, alienations, or transfers shall be applied to the uses and purposes for which the land or personalty so sold, aliened, or transferred, was held; and provided also that such sales, alienations or transfers be not inconsistent with or contrary to the conditions, uses or purposes of the deed of conveyance to the said church, or bishop, or parson, or incumbent, as the case may be, of the land or personalty so to be sold, aliened, or transferred; and provided further, that this clause shall not authorize the sale of any land granted by the Crown to any rectory within the said diocese for the endowment thereof.

Powers of  
bishop of  
Ottawa as to  
property, etc

Proviso.

Proviso.

**12.** All the powers of the said Incorporated Synod of the Diocese of Ottawa shall be exercised by and through the synod of the said diocese, and by such boards and committees as may, from time to time, be created by the said synod, and any consent of the executive committee of such synod required by this or any other Act to any sale or disposition of property may be given by any sub-committee to which such power may be delegated by the said executive committee, and the said synod may form, dissolve and reform, at pleasure, such boards

Powers of  
synod

and

and committees for the management of all or any of its affairs and property by any by-law or canon from time to time to be passed, and the appointment of the members of the said committees shall be made by the bishop, unless otherwise ordered; and the said synod may by by-law or canon appoint and remove at pleasure, or provide for the appointment and removal of such and so many officers as may be required for the transaction of any of its business, and may define their duties and remuneration; and the production of any by-law or canon of the synod under the seal of the synod, or of any copy thereof certified by the clerical or lay secretary under the said seal, shall be evidence in all courts of justice of the due passage of said by-law or canon, and of the contents thereof, without further or other proof.

Interpretation.

**13.** The Bishop of the Diocese of Ottawa for the time being, shall be the head of the said Incorporated Synod, and the words "incorporated synod," when used in this Act, shall mean "The Incorporated Synod of the Diocese of Ottawa," and the word "synod," when used alone in this Act, or without the word "incorporated," shall mean the "Synod of the Diocese of Ottawa."

Apportionment of funds between the Dioceses of Ottawa and Ontario.

**14.** The funds and securities of the original Diocese of Ontario shall be divided and apportioned between the Diocese of Ontario and the Diocese of Ottawa by a board of six commissioners, of whom three shall be appointed by the Synod of the Diocese of Ontario, and three by the Synod of the Diocese of Ottawa, in accordance with the report of the committee on division of funds, adopted by the Synod of the Diocese of Ontario, on the 20th day of June, A.D. 1895.

Pending actions not affected.

**15.** Nothing in this Act contained shall affect any action or proceeding now pending respecting the funds of the Diocese of Ontario or the administration thereof.

## CHAPTER 118.

## An Act respecting St. Andrews' Church, Belleville.

*Assented to 7th April, 1896.*

**W**HEREAS the trustees of St. Andrew's Church, Belleville, Preamble.  
by their petition have represented that late in the year 1894, the said church was destroyed by fire and they have erected a new church on the same site at a large cost, but that to give time to get in their assets and subscriptions, they have in order to secure a temporary loan, mortgaged the church and property held by them in trust for \$10,000; and whereas, by said petition they have prayed that an Act may be passed repealing section 3 of the Act passed in the 35th year of Her Majesty's reign, chapter 105, and confirming the mortgage so given and making the remaining clauses of the said Act applicable to the present trustees and the mortgage so given as above mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The mortgage, dated the 31st day of October, A.D. 1895, Mortgage for \$10,000 confirmed.  
made by and in the corporate name of "The trustees of St. Andrew's Church, Belleville," to secure the payment of \$10,000, borrowed by them to pay the indebtedness contracted in the erection of their new church in place of that destroyed by fire, which mortgage bears interest at the rate of five per cent. per annum, payable as therein provided, is hereby confirmed and declared valid.

2. It shall be lawful for the trustees, for the time being, or a majority of them, should occasion require, from time to time, Power to make further mortgages.  
and at all times hereafter, to make new and further mortgages for the purpose of paying off the said mortgage, or any other mortgage or mortgages then in existence upon the same pro-

perty

perty or any part thereof, upon such terms and at such times as the said trustees, or a majority of them, or their successors in office, may deem proper.

Mortgages made by trustees, execution and validity of.

3. Any mortgage made in pursuance of this Act by the order of the said trustees, in the name of "The Trustees of St. Andrew's Church, Belleville," signed by the chairman in that name, and sealed with any seal the chairman may adopt and affix, shall be valid and effectual, and shall be binding upon that part of the property above described, which shall be mentioned therein and covered thereby, and shall, subject to the powers of redemption, vest the said property in the mortgagee as fully as if made in the individual names of said trustees.

38, Vic., c. 75 s. 4, meaning of, declared.

4. It is hereby declared that section 4 of the Act passed in the 38th year of Her Majesty's reign, chaptered 75, shall not be applicable to the said mortgage for \$10,000, or to any other mortgage or mortgages which may hereafter be given on the said lands in pursuance of the powers conferred on said trustees by this Act.

35 V. c. 105, s. 3 repealed.

5. Section 3, of the Act passed in the 35th year of Her Majesty's reign, chaptered 105, is hereby repealed.

Powers of trustees confirmed.

6. Nothing in this Act contained shall be deemed to repeal or annul any of the other provisions of the said Act passed in the 35th year of Her Majesty's reign chaptered 105 and all the powers conferred by the said Act other than section 3 thereof, upon the trustees therein named and all the powers conferred by this Act are hereby declared to apply to and be vested in the present trustees, viz., John Bell, James Brown, The Honourable Thomas Appleby Lazier, David R. Leavens, Alexander Sutherland, Donald Mackenzie Waters, Robert Elliot Lazier and James Lyons Biggar, and their successors lawfully appointed under the name of "The Trustees of St. Andrew's Church, Belleville," to the full extent and for the purposes mentioned in this Act and in the said Act chapter 105 other than section 3 thereof.



## CHAPTER 119.

## An Act respecting St. Thomas' Church, Hamilton.

*Assented to 7th April, 1896.*

WHEREAS the rector and church wardens of St. Thomas' Church, Hamilton, have, by their petition, represented that by indenture dated the 12th day of January, A.D. 1869, made between Ebenezer Stinson of the first part, his wife to bar dower of the second part, and Robert Reuben Morgan and Jonathan M. Meakins of the third part; the said Ebenezer Stinson did in consideration of \$700 grant unto the said Robert Reuben Morgan and Jonathan M. Meakins, lots numbers sixteen and seventeen on the south side of Main street, in the city of Hamilton, and part of lot number eighteen on the south side of said Main street, described as follows, that is to say, commencing at a point on Main street on the northerly boundary of said lot number eighteen at a distance of twenty feet westerly from the northeast angle of said lot number eighteen, thence easterly along the northerly boundary of said lot number eighteen to the northeast angle thereof; thence southerly along the easterly boundary of the said lot number eighteen to the southeast angle thereof; thence westerly along the southerly boundary of the said lot number eighteen a distance of twenty feet from the said southeast angle thereof; and thence northerly parallel to said easterly boundary of said lot number eighteen to the place of beginning; all of which said property is in the block bounded by West avenue, Peel (now called Hunter), Wellington and Main streets, in the said city of Hamilton; to have and to hold unto the said Robert Reuben Morgan and Jonathan M. Meakins, their heirs and assigns forever, upon trust, in the first place to borrow whatever money should be required, not exceeding \$5,000, for the erection and completion of an Episcopal church on the said land by a mortgage to be given by the said Robert Reuben Morgan and Jonathan M. Meakins upon the said lands and premises and then in trust after the said loan and mortgage should have been fully paid and discharged to convey the said lands and premises and every thereof to the Lord Bishop of the Diocese

of Toronto and his successors, to hold the same for the use of St. Thomas' Church, then in course of erection upon the said lands in the parish of St. Thomas, in the city of Hamilton, then in the Diocese of Toronto;—And further, that afterwards by an indenture dated the 13th day of April, 1871, and made between David Thompson, John T. Glasco and Henry A. Stinson, the executors and devisees in trust under the last will and testament of the said Ebenezer Stinson of the first part, and the said Jonathan M. Meakins and Robert Reuben Morgan of the second part, the said executors and trustees did in consideration of \$262 grant unto the said Jonathan M. Meakins and Robert Reuben Morgan, their heirs and assigns, all that part of said lot number eighteen on the south side of Main street aforesaid not theretofore disposed of by the said Ebenezer Stinson, the parcel conveyed by the said deed having a frontage on Main street of thirty-one feet, more or less, and being all that parcel of said lot eighteen which had not theretofore been conveyed by the said Ebenezer Stinson by the said indenture dated the 12th day of January, 1869. To have and to hold the same to the said Jonathan M. Meakins and Robert Reuben Morgan, their heirs and assigns, for their own use as joint tenants forever;—And further, that by an Act intituled "An Act to incorporate the Diocese of Niagara," passed in the thirty-ninth year of Her Majesty's Reign, Chapter 107, the Synod of the Diocese of Niagara was incorporated under the name of the Synod of the Diocese of Niagara, and it was thereby provided that all property of what nature and kind soever then held by the Synod of the Diocese of Toronto (of which the Synod of the Diocese of Niagara had theretofore formed part) or by the Lord Bishop of Toronto or which might thereafter be acquired by the said Synod or by any person or corporation and of right belonging or which might thereafter belong to the Diocese of Niagara might by such person or corporation be conveyed to the Synod of the said Diocese of Niagara and thenceforth the said Synod should perform the trusts relating thereto, if any there should be, and the person or corporation so conveying such property should be discharged from such trusts;—And further, that the building which was in the course of construction upon the first mentioned lands at the date of the said indenture of January 12th, 1869, was duly completed, and other buildings, used as a Sunday school and for other purposes in connection with said church, have also been built upon the said lands mentioned in the said two indentures, and that the said Robert Reuben Morgan and Jonathan M. Meakins, under the provisions of said indenture of 12th January, 1869, borrowed upon a mortgage on the first mentioned lands dated 18th May, 1870, and made in favor of one Jonathan Carpenter the sum of \$4,000, which was expended in the erection of the said church and that interest on said mortgage, but no part of the principal thereof, has been paid and none of the said lands have ever

been

been conveyed to the Lord Bishop of the Diocese of Toronto ; and further, that the said Jonathan M. Meakins died on or about the 5th day of May, 1892, leaving the said Robert Reuben Morgan, him surviving, who upon the 13th day of June 1887, executed under his hand and seal a declaration of trust whereby he declared that the lands mentioned in the said indenture of 13th April, 1871, were purchased by the said Jonathan M. Meakins and the said Robert Reuben Morgan on behalf of and as trustees for the congregation of the said Church of St. Thomas in the city of Hamilton, and that the purchase money therefor was paid by the said Robert Reuben Morgan and Jonathan M. Meakins as church wardens of the said church, but for convenience the conveyance was taken to the said Robert Reuben Morgan and Jonathan M. Meakins absolutely ; and further, that afterwards the further sum of \$3,000 was borrowed upon the security of all the said lands and expended in enlarging and improving the said church building and in erecting a Sunday school and other buildings upon the said lands, and the repayment of the said \$3,000 and of the said mortgage for \$4,000 was further secured by a mortgage upon the whole of said lands dated 19th April, 1887, and made by said Robert Reuben Morgan to Emma C. McGiverin, Thomas Henry Stinson and Marion E. Crerar, to whom the said mortgage for \$4,000 had been duly assigned ; and further, that at a special vestry meeting of the said church it was resolved that an application should be made for an Act to vest the whole of the said lands together with the church, Sunday school and other buildings thereon erected in the rector and church wardens of St. Thomas' church and their successors in office, and to enable the rector and church wardens or their successors in office to mortgage the said lands and premises for the purpose of raising a sum or sums sufficient to pay off the said mortgage of \$4,000 and the further sum of \$3,000 secured by said indentures of mortgage ; and whereas the Lord Bishop and the Synod of the Diocese of Niagara and the standing committee of the said Synod and the said Robert Reuben Morgan, have by their respective petitions prayed that the said Act may be passed ; and whereas it is expedient to grant the prayer of the said petitions ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

1. The said lots numbers sixteen, seventeen and eighteen on the south side of Main street in the city of Hamilton, in the county of Wentworth, are hereby vested in the rector and church wardens of St. Thomas' church aforesaid and their successors in office forever, for the use of the congregation of the said church in full communion with the United Church of England

Lands vested  
in church  
wardens.

and



and Ireland, otherwise called the Church of England in Canada, subject to the payment of the said mortgages and interest thereon.

Power to  
borrow and  
pay off exist-  
ing mortgage.

2. The rector and church wardens of St. Thomas' church aforesaid and their successors in office are hereby empowered to borrow from any person or corporation willing to lend the same such sum or sums of money as may from time to time or at any time be required for the purpose of paying off the said mortgage of \$4,000 and the said sum of \$3,000, which are also secured by the said mortgage of \$7,000 dated 19th April, 1887 (which said last mentioned mortgage includes the money secured by such first mentioned mortgage of \$4,000) and it shall be lawful to pay such rate of interest upon the money so borrowed as may be agreed upon, but not to exceed six per cent. per annum, payable half-yearly, and to secure the moneys so to be borrowed by a mortgage or mortgages upon the lands hereinbefore mentioned and the buildings erected or to be erected thereupon, and to make any further mortgage, or mortgages, from time to time required to renew or pay off said mortgage, or mortgages, or any part thereof, till all said moneys be paid off; provided always that no sale shall be made of the said property or any part thereof and no money shall be borrowed unless the same shall be first authorized by resolution of the vestry of the said church and approved of by the bishop and standing committee of the Synod of the Diocese of Niagara, and it shall be the duty of the rector and church wardens to apply the moneys hereby authorized to be borrowed in discharge of the said existing mortgages.

Lender not  
bound to see  
to application  
of funds.

3. No person or corporation bona fide advancing any money to the rector and church wardens of St. Thomas' church aforesaid or their successors in office upon any mortgage authorized to be given under this Act shall be bound to see to the application or be responsible for the misapplication of such moneys.



## CHAPTER 120.

## An Act respecting the Supreme Court of the Independent Order of Foresters.

*Assented to 7th April, 1896.*

**W**HEREAS the corporation known as the Independent Order of Foresters was originally incorporated under chapter 167 of the Revised Statutes of Ontario 1877; and whereas legislation has been obtained by the said corporation from the Parliament of Canada, and the said corporation is now a corporation under the jurisdiction of the Dominion of Canada; and whereas the corporate name of the said corporation is the Supreme Court of the Independent Order of Foresters; and whereas the said corporation has by its petition represented that the said corporation owing to the extension of its operations and increase of membership requires for the convenient and efficient transaction of its business that the powers of the said corporation in respect of the holding of land within the Province of Ontario be enlarged; and whereas a bill is now pending before the Parliament of Canada having for its object among other things the granting of power to the said corporation to acquire and hold, for the purposes of the corporation, real estate and premises in the Province of Ontario to a value not exceeding the sum of \$350,000, and the said bill has been read a third time in the House of Commons and is now pending before the Senate of Canada; and whereas the said corporation have petitioned that so far as the authority of the Legislative Assembly of Ontario extends, authority may be given to acquire and hold lands or tenements or interests therein to the extent hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Order  
empowered to  
hold lands to  
annual value  
of \$20,000.

**1.** It shall be lawful for the said Supreme Court of the Independent Order of Foresters to acquire and hold lands or tenements or interests therein within the Province of Ontario, not exceeding in the whole at any one time the annual value of \$20,000.

## CHAPTER 121.

## An Act respecting the Hospital at Toronto, for Sick Children.

*Assented to 7th April, 1896.*

**W**HEREAS the Hospital for Sick Children has by its Preamble.  
 petition prayed that an Act may be passed to enable  
 the corporation to borrow money by the issue of debentures  
 for the purpose of enabling its work to be carried on with  
 greater efficiency ; and whereas it is expedient to grant the  
 prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of  
 the Legislative Assembly of the Province of Ontario enacts as  
 follows :—

**1** The Hospital for Sick Children may borrow money upon debentures, and for that purpose may issue and sell or dispose of debentures to an amount not exceeding \$100,000, and no debenture shall be for a less sum than \$100, and said debentures shall bear interest at such rate and shall be payable at such times, within twenty years from the date of the issue of each debenture, as the said corporation shall determine. Power to issue debentures for \$100,000.

## CHAPTER 122

## An Act respecting the Rideau Club.

*Assented to 7th April, 1896.*

## Preamble.

**W**HEREAS the Rideau Club are now indebted in the sum of seventeen thousand five hundred dollars in respect of debentures issued under the authority of an Act passed in the 52nd year of the reign of Her Majesty Queen Victoria, chaptered 99, and the further sum of forty-one thousand dollars secured by mortgages on the real estate of the club herein-after described ; and whereas the Rideau Club are desirous of raising or borrowing money by the issue of debentures for the purpose of paying off their said indebtedness ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

## Power to issue debentures to \$58,000.

**1.** The Rideau Club may raise or borrow money and may execute and issue debentures therefor to an amount not exceeding in the aggregate fifty-eight thousand dollars, for the purpose of paying and redeeming the said debentures issued under the said Act passed in the fifty-second year of the reign of Her Majesty and the said mortgages on the real estate of the club.

## Form of debentures.

**2.** The debentures issued under section 1 of this Act shall be for such sums not being less than one hundred dollars each, and in such currency and shall bear such rate of interest not greater than six per cent. per annum, and shall be payable at such times and places as the club may determine, but such debentures when paid shall not nor shall any one or more of them be re-issued or renewed until all of such debentures shall have been paid.

## Debentures to be a first charge on real estate.

**3.** The debentures issued under section 1 of this Act shall without registration and without formal conveyance be taken and considered to be and shall be first charges upon the real

estate.



estate of the club, as hereinafter specified, subject only to the said debentures issued under the said Act passed in the fifty-second year of the reign of Her Majesty and to the said mortgages on the real estate of the club until the same respectively shall have been paid; and subject only as aforesaid, every holder of any one or more of the said debentures issued under section 1 of this Act shall be deemed to be and shall be a first mortgagee and encumbrancer pro rata with the holders of the other debentures issued under section 1 of this Act upon the following lands and premises, being all and singular that certain parcel or tract of land and premises situate lying and being in the city of Ottawa, in the county of Carleton, and Province of Ontario, being composed of lot number twenty-one, on the south side of Wellington street in the city of Ottawa aforesaid, the said lot numbering eastward towards the Rideau Canal as shown on a registered plan prepared by James D. Slater, dated 20th March, 1863, and also upon a policy or policies of insurance to be effected on the buildings on the said lands and premises.

4. The said policy or policies of insurance shall be for the full insurable value of the said buildings, and shall be issued and from time to time during the currency of the debentures issued under section 1 of this Act or of any one or more of them, shall be renewed, re-issued, or otherwise kept in force with loss (if any) payable to the general manager of the Bank of Ottawa for the time being, in trust, to see that in case of loss or damage by fire the proceeds of such insurance be applied in rebuilding, or in default of rebuilding, to see that such proceeds be paid rateably and equally to the holders of the debentures issued under section 1 of this Act. The holder of any debenture or debentures issued under section 1 of this Act shall be entitled to have produced and to inspect any such policy or policies of insurance not more than once in any year during which he is holder of such debenture or debentures.

Interest of debenture-holders in insurance on club buildings.

5. Subject only to the charges created and now existing in favor of the debentures issued under the said Act passed in the 52nd year of Her Majesty's reign until the same shall have been paid, the interest on the debentures issued under section 1 of this Act shall be a first charge upon the entrance fees from new members entering the club, and it shall be the duty of the committee of the club in each year, out of the said entrance fees and otherwise from the revenues of the club, to pay the whole interest falling due in such year and the debentures issued under section 1 of this Act as they respectively mature.

Interest on debentures to be a charge on entrance fees.

6. The moneys authorized to be raised by the issue of debentures under section 1 of this Act shall be applied solely in the redemption of such debentures of the club as are now out-

Application of proceeds of debentures.

standing and in the payment of the mortgages on the real estate of the club and for no other purpose whatsoever, but any person or persons purchasing the debentures issued under this Act, or any one or more of them, or advancing money thereon shall not be bound to see to the application of the purchase money thereof or the money so advanced.

Power to  
borrow  
\$30,000.

7. The Rideau Club may from time to time borrow upon the credit of the club by the issue of further debentures or otherwise a further sum or sums not exceeding thirty thousand dollars, and subject to the debentures issued under section 1 of this Act may hypothecate, pledge or mortgage the real and personal property of the club, or either of them, to secure any sum or sums so borrowed at such rate of interest and on such terms as may from time to time be agreed upon.

52 V. c. 99,  
ss. 2 and 5;  
56 V. c. 104,  
repealed.

8. Sections 2 and 5 of the Act passed in the 52nd year of Her Majesty's reign, chaptered 99, and also an Act passed in the 56th year of Her Majesty's reign, chaptered 104, are hereby repealed.

## CHAPTER 123.

## An Act to enable Thomas Henry Lewis to Practise Dentistry.

*Assented to 7th April, 1896.*

**W**HEREAS, Thomas Henry Lewis, of the village of Jarvis Treamble,  
in the county of Haldimand and Province of Ontario,  
hath by his petition set forth that he did, in the year 1876, be-  
come an indentured apprentice to Leon Harding, of the city of  
Birmingham, England, that he duly served his apprenticeship  
of six years and four months under the said indentures, and  
thereafter on the twenty-first day of February, A.D., 1883,  
was registered in the dentists' register at the medical council  
office, London, England, that he came to the said village of  
Jarvis in the year 1884, and was then and thereafter engaged  
almost constantly in dental practice, and has prayed that an  
Act may be passed to authorize him to practise dentistry; and  
whereas the circumstances of the case appear to be exceptional,  
and whereas no opposition has been offered to the granting of  
the relief hereinafter given; and it is expedient upon the  
terms and conditions hereinafter contained to grant the prayer  
of the said petition;

Therefore Her Majesty, by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

1. It shall be lawful for the said Thomas Henry Lewis to  
practise dentistry in the county of Haldimand in the Province  
of Ontario, without any certificate of qualification, until the  
first day of May, A.D. 1898; and the said Thomas Henry  
Lewis shall be required to pass the prescribed annual final ex-  
amination of the Royal College of Dental Surgeons of Ontario  
not later than the year 1898, and the said the Royal College  
of Dental Surgeons of Ontario shall admit the said Thomas  
Henry Lewis to practise as a licentiate of dental surgery upon  
his passing the said prescribed final examination, and upon his  
paying the requisite fees in that behalf, any law, statute or  
usage to the contrary notwithstanding.

Thomas  
Henry Lewi  
to practise  
Dentistry.





# TABLE

SHEWING

## REVISED STATUTES AND SUBSEQUENT ACTS AMENDED BY ACTS OF 59 VICTORIA.

Acts repealed or amended.	Subject matter.	How affected.	Chapter of 59 Vict.
R. S. O. c. 16..	Sheriffs .....	Amended ...	4
“ c. 24..	Public Lands.....	Amended ...	7
“ c. 28..	Timber on Public Lands .....	Amended ...	12
“ c. 40..	Births, Marriages and Deaths.....	Repealed ....	17
“ c. 47..	County Courts .....	Amended ...	18, 19
“ c. 50..	Surrogate Courts .....	Amended ...	20
“ c. 52..	Jurors .....	Amended ...	18
“ c. 56..	Dower Procedure.....	Amended ...	18
“ c. 61..	Witnesses and Evidence .....	Amended ...	18
“ c. 65..	Creditors' Relief Act .....	Amended ...	18
“ c. 80..	Coroners .....	Amended ...	25
“ c. 82..	Constables .....	Amended ...	26
“ c. 83..	Fees of Officers of Justice.....	Amended ...	26
“ c. 86..	Expenses of Administration of Justice. ....	Amended ...	26
“ c. 91..	Unorganized Territories Act .....	Amended ...	18, 24
“ c. 113..	Quieting Titles .....	Amended ...	18, 28
“ c. 118..	Mills and Mill Dams ...	Amended ...	30
“ c. 124..	Assignments and Preferences .....	Amended ...	31
“ c. 126..	Mechanics' Liens .....	Repealed ....	35
“ c. 131..	Marriage Laws .....	Repealed ....	39
“ c. 133..	Dower .....	Amended ...	40
“ c. 134..	Conveyances by Married Women .....	Amended ...	41
“ c. 136..	Insurance for Wives and Children.....	Amended ...	45

Acts repealed or amended.	Subject matter.	How affected.	Chapter of 59 Vict.
R. S. O. c. 139..	Master and Servant.....	Amended ...	38
" c. 143 ..	Landlord and Tenant.....	Amended ...	42
" c. 144..	Overholding Tenants ..	Amended ...	42
" c. 157..	Joint Stock Companies Letters Patent.....	Amended ...	50
" c. 159..	Road Companies .....	Amended ...	43
" c. 160..	Timber Slide Companies .....	Amended ...	44
" . 169..	Building Societies .....	Amended ...	46
" c. 170..	Railways.....	Amended ...	47
" c. 171..	Street Railways .....	Amended ...	50
" c. 185..	Municipal Institutions in Districts .....	Amended ...	55
" c. 186..	Registration of Debentures .....	Amended ...	56
" c. 201..	Tree Planting .....	Amended ...	60
" c. 203..	Lord's Day.....	Amended ...	62
" c. 205..	Public Health .....	Amended ...	63
" c. 213..	Preserving Forests from Fire .....	Amended ...	12
" c. 219..	Line Fences .....	Amended ...	65
" c. 227..	Separate Schools .....	Amended ...	72
" c. 234..	Industrial Schools .....	Amended ...	73
" c. 240..	Industrial Refuge for Girls .....	Amended ...	74
51 Vict. c. 6..	Sheriffs .....	Amended ...	18
" c. 20..	Marriage Laws .....	Amended ...	39
" c. 22..	Insurance .....	Amended ...	45
52 Vict. c. 3..	Voters' Lists .....	Amended ...	2, 3
" c. 6..	Sheriffs .....	Amended ...	18
53 Vict. c. 37..	Mechanics' Liens .....	Repealed ...	35
" c. 38..	Mechanics' Liens .....	Repealed ...	35
" c. 39..	Insurance .....	Amended ...	45
" c. 43..	Timber Slide Companies .....	Amended ...	44
" c. 60..	Tree Planting .....	Amended ...	60
" c. 78..	Houses of Refuge.....	Amended ...	75
54 Vict. c. 22..	Woodman's Lien for Wages.....	Amended ...	36
" c. 23..	Marriage Laws.....	Amended ...	39
" c. 54..	Education Department .....	Repealed ...	69

Acts repealed or amended.	Subject matter.	How affected.	Chapter of 59 Vict.
54 Vict. c. 55..	Public Schools .....	Repealed ...	70
" c. 57..	High Schools .....	Repealed ...	71
55 Vict. c. 2..	Voters' Lists in Unorganized Territories.....	Suspended ..	3
" c. 5 ..	Sheriffs .....	Amended ...	4
" c. 6 ..	Succession Duties.....	Amended ...	5
" c. 9..	Mines and Mining .....	Amended ...	13
" c. 39..	Insurance .....	Amended ...	45
" c. 42..	Municipal Institutions .....	Amended ...	51, 52, 53, 54
" c. 48..	Assessment .....	Amended ...	58
" c. 60..	School Laws ...	Amended ...	70, 71
56 Vict. c. 3..	Voters' Lists in Cities .....	Amended ...	2
" c. 5..	Sheriffs .....	Amended ...	18
" c. 8..	Algonquin National Park .....	Amended ...	9
" c. 21..	Registry Laws .....	Amended ...	29
" c. 24..	Mechanics and Wage Earners .....	Repealed ...	35
" c. 31..	Building Societies .....	Amended ...	46
" c. 32..	Insurance .....	Amended ...	45
" c. 35..	Municipal Institutions .....	Amended ...	51
" c. 42..	Yellows and Black Knot .....	Amended ...	61
" c. 49..	Protection of Game.....	Amended ...	68
" c. 52..	High Schools .....	Repealed ...	71
57 Vict. c. 3..	Voters' Lists in Cities.....	Amended ...	2
" c. 9..	Fees of Public Officers .....	Amended ...	29
" c. 16..	Mines and Mining .....	Amended ...	13
" c. 37..	Bills of Sale and Chattel Mortgages .....	Amended ...	32, 33, 34
" c. 38..	Woodman's Lien for Wages.. ..	Amended ...	36
" c. 40..	Marriage Laws.....	Repealed ...	39
" c. 50..	Municipal Institutions .....	Amended ...	51
" c. 55..	Ditches and Watercourses.....	Amended ...	67
" c. 56..	Drainage.....	Amended ...	66
" c. 58..	High Schools.....	Repealed ...	71
58 Vict. c. 2..	Time.....	Amended ...	18
" c. 7..	Succession Duties.....	Amended ...	5

Acts repealed or amended.	Subject matter.	How affected.	Chapter of 59 Vict.
58 Vict. c. 11..	Agriculture and Arts .....	Amended ...	14
" c. 12..	Judicature Act.....	Amended ...	18
" c. 13..	Law Courts Act, 1895.....	Amended ...	18
" c. 22..	Registry Laws .....	Amended ...	29
" c. 23..	Assignments and Preferences .....	Amended ...	31
" c. 26..	Landlord and Tenant.....	Amended ...	42
" c. 30..	Veterinary Surgeons .....	Amended ...	15
" c. 31..	Road Companies .....	Amended ...	43
" c. 34..	Insurance .....	Amended ...	45
" c. 38..	Electric Railways .....	Amended ...	49
" c. 42..	Municipal Institutions .....	Amended ...	51
" c. 43..	Municipal Arbitrations .....	Amended ...	53
" c. 45..	Public Libraries .....	Amended ...	57
" c. 47..	Assessment.....	Amended ...	58
" c. 57..	School Laws .....	Repealed (in part.....	70, 71



# INDEX

TO

## ACTS OF THE PROVINCE OF ONTARIO

SECOND SESSION, EIGHTH LEGISLATURE, 59 VICTORIA, 1896

	PAGE.
ABATTOIRS. <i>See</i> MEAT AND MILK SUPPLIES.....	220
Acton, Village of, Act to enable the trustees of Knox Church to sell certain lands.....	591
Addington, Agricultural District of, certain townships trans- ferred to District of Frontenac.....	34
Administration of Estates, payment of succession duty. <i>See</i> SUCCESSION DUTIES.....	12
powers of high court as to removal of executors, etc....	51
creditors to value security for claims on insolvent estate	71
jurisdiction of county courts in actions for legacies, etc.	
<i>See</i> COUNTY COURTS .....	62
<i>See</i> SURROGATE COURTS .....	67
Agricultural Shows, right of Government detectives and other constables to have access to .....	34, 213
Agriculture and Arts Act, Act to further improve.....	32
district societies in certain cities may be horticultural societies .....	32
quorum at meetings of societies .....	32
who may vote at meetings .....	33
when societies to become dissolved—disposition of assets	33
apportionment of grant .....	33
directors of union societies .....	33
adoption of regulations of union societies .....	34
Dominion and Provincial constables to have free access to grounds and buildings at exhibitions .....	34, 213
Cattle and Horse Breeders' Associations.....	34
Order-in-Council making Act apply to certain societies..	34
changes in districts of Addington and Frontenac .....	34
Agriculture and Arts Association, president to continue to sign diplomas for veterinary college.....	35

	PAGE.
Algoma, District of, filing assignments for benefits for benefit of creditors in .....	90
filing bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202
Algonquin National Park Act, Act to amend.....	24
excluding trespassers from park .....	24
health officer and sanitary inspectors for park .....	24
Alliston, Town of, Act to consolidate the floating debt of.....	318
Antecedent unregistered agreements for bills of sale and chattel mortgages, Act respecting .....	97
contracts in writing to be deemed a mortgage or bill of sale and be registered.....	97
when to be valid as against creditors .....	97
contracts heretofore made .....	98
verbal agreements to be void as against creditors, etc. ....	98
Arbitrations, Act to amend The Municipal Arbitrations Act ...	199
Art Schools, jurisdiction of Education Department over .....	232
Assessment Amendment Act, 1896 .....	206
vacant lands in cities, towns and villages, mode of assessing .....	206
taking assessments by wards or sub-divisions at different dates in cities of 100,000.....	206
court of revision for each ward.....	206
appeals to county judge.....	206, 207
adoption of assessment for following year .....	207
giving notices, etc .....	207
court of revision, appointment in cities of 30,000 and over .....	207
who disqualified .....	208
remuneration .....	208
when appointments to be made.....	208
quorum, filling vacancies .....	208
collectors' rolls, form and contents in cities and towns ..	208
particulars to be given on tax papers .....	209
distress for taxes, exemptions .....	209
what goods to be liable to distress .....	209
paying rent to collector until taxes are paid .....	210
adding percentage to arrears for taxes in cities of 100,000 ..	210
sale of lands for taxes in townships of York, Scarborough and Etobicoke .....	210
advertising tax sales in unorganized districts.....	202
Assignments and Preferences by Insolvent Persons, Act respecting certain proceedings .....	90
place of registration in unorganized territory.....	90
priority over attachments .....	90
procedure when creditor holding security fails to value same .....	90
when assignee satisfied with proof but debtor desires to dispute claim .....	91
payment of dividends.....	92
distributing money and determining claims as provided by Creditors' Relief Act.....	92

Assignments and Preferences by Insolvent Persons.— <i>Continued.</i>	PAGE.
inspectors, remuneration of.....	92
remuneration of assignee .....	92
examination of employees of assignor .....	93
calling upon persons having knowledge of assignor's affairs to produce documents, etc .....	93
Auditors. <i>See</i> PROVINCIAL MUNICIPAL AUDITORS.....	200
BAIL, Act to authorize police constables to take .....	81
persons charged with offences under Ontario Statutes may be admitted to bail by police officers in cities ..	81
effect of recognizance .....	81
entry by person taking recognizance .....	81
return to magistrate on day of appearance .....	81
record to be made when accused fails to appear .....	81
procedure on estreat .....	82
enlarging recognizance .....	82
recognizance to be discharged without fee .....	82
Bailiffs, tariff of charges for seizure and sale of goods under mortgages .....	95
Bake Shops, Act respecting .....	222
interpretation .....	222
construction and sanitary arrangements ..	222
conveniences to be provided for employees.....	223
sleeping places of employees.....	223
fire escapes .....	223
hours of labor .....	223
persons affected with certain diseases not to be employed inspectors.....	223
penalty for violation of Act .....	223
recovery .....	224
Act not to conflict with public health laws.....	224
Belleville, City of, Act respecting St. Andrews' Church .....	599
Bicycling, Canadian Wheelmen's Association authorized to erect posts, etc .....	187
Bills of Sale and Chattel Mortgages, place for registration in unorganized territory.....	94
tariff of charges for seizure and sale of goods.....	95
effect of agreements to give .....	97
Birds, making regulations as to shooting or taking in vicinity of Rondeau Park.....	229
Births, Marriages and Deaths, duties of issuers of marriage licenses .....	137
marriage registers .....	138
Act revising and consolidating the Acts respecting the registration of.....	43
"occupier," meaning of .....	43
Registrar-General, who to be .....	43
inspector of vital statistics, appointment and duties ....	43
keeping and arranging returns in the office of the Regis- trar-General.....	43
annual report to the Legislature .....	44

Births, Marriages and Deaths.— <i>Continued.</i>		PAGE.
regulations by the Lieutenant-Governor in Council . . . .		44
searching records, fees for . . . . .		44
certificate of Registrar-General as to entries . . . . .		44
preparation of forms for procuring information . . . . .		44
registration divisions, municipalities to be . . . . .		44
in unorganized territory . . . . .		44
division registrars, office and duties of . . . . .		45
entering and indexing returns . . . . .		45
monthly returns of contagious diseases . . . . .		45
giving certificate on registration of death . . . . .		45
inquiry when proper registration not made . . . . .		45
correction of errors in registration . . . . .		46
registration of births, who responsible for . . . . .		46
duty of medical attendant . . . . .		46
illegitimate children . . . . .		46
after expiration of statutory period . . . . .		46
altering or inserting name after registration . . . . .		47
registration of marriages, duty of person solemnizing . .	47, 137	
registration of deaths, who responsible for . . . . .		47
medical certificate as to cause of death . . . . .		48
body not to be removed until after registration . . . .		48
contagious cases in townships . . . . .		48
duty of caretakers and others in charge of cemeteries		48
when deaths not to be registered without special		
leave . . . . .		48
penalties, registrars refusal or neglect to make returns . .		49
making false statements . . . . .		49
neglecting to register . . . . .		49
recovery of . . . . .		49
distribution of . . . . .		50
fees, how to be credited in books of Provincial Treasurer		50
what to be paid to division registrars . . . . .		50
fees of registrars in unorganized territory . . . . .		50
county records of marriages prepared under former Acts		50
Acts repealed . . . . .		50
Board of Control. <i>See</i> MUNICIPAL AMENDMENT ACT . . . . .		183
Boards of Education, existing boards continued . . . . .		238
formation and powers of . . . . .	240, 294	
Boundary Lines, planting trees on. <i>See</i> TREES . . . . .		215
Act respecting disputes concerning . . . . .		69
questions arising in action to be referred to Ontario		
Land Surveyor . . . . .		
application for reference . . . . .		69
reference to be under Judicature Act . . . . .		70
procedure . . . . .		70
agreement as to person to be referee . . . . .		70
dispensing with reference . . . . .		70
reference of disputes by county judge on consent . . . . .		70
who to be referee when parties fail to agree . . . . .		70
British Association, appropriation by City of Toronto for		
reception of . . . . .		439



Building Societies, Act respecting . . . . .	159
application of restrictions upon territory in which business may be carried on . . . . .	159
CAMPBELL, MARY E., grant to, out of the estate of James Staveley . . . . .	19
Canadian Historical Exhibition, City of Toronto authorized to grant aid to . . . . .	186
Act respecting . . . . .	36
Canadian Horse Breeders' Association, application of Agriculture and Arts Act to . . . . .	34
Canadian Pacific Railway Company, agreement with City of Toronto <i>re</i> York street bridge, confirmed . . . . .	440
text of agreement . . . . .	442
Act to authorize the transfer of certain Provincial lands occupied by . . . . .	26
Canadian Wheelmen's Association, authorized to erect sign posts on highways . . . . .	187
Central Counties Railway Company, Lieutenant-Governor authorized to pay certain claims for wages out of subsidy. repeal of portion of former grant . . . . .	164
. . . . .	164
Certiorari, removal of actions out of county courts by . . . . .	65, 66
Chatham, City of, Act respecting certain school moneys of . . . . .	321
apportionment of school fund, between public and separate school boards . . . . .	322
application of funds of public school board . . . . .	322
investment of funds not immediately required . . . . .	322
realizing upon securities in which present fund invested. . . . .	322
Chatham City and Suburban Railway Company, Act to incorporate . . . . .	467
Chattel Mortgages. <i>See</i> BILLS OF SALE AND CHATTEL MORTGAGES. . . . .	94, 95, 97
Circuses. <i>See</i> SHOWS. . . . .	212
Clifton Suspension Bridge Company, Commissioners of Niagara Falls Park authorized to grant certain lands to . . . . .	25
Clinton, Town of, grant to, out of the estate of James Staveley. . . . .	19
Collection of Debts, penalty for use of imitations of division court process . . . . .	73
Collegiate Institutes, powers of Education Department as to. <i>See</i> EDUCATION DEPARTMENT. . . . .	232
<i>See</i> HIGH SCHOOLS. . . . .	292
Commissioners of the Queen Victoria Niagara Falls Park, authorized to grant certain lands to Clifton Suspension Bridge Company . . . . .	25
Companies, liability for wages payable by contractors for . . . . .	125
Consolidated Rules of Practice, powers of commissioners . . . . .	54
Constables, temporary appointment of certain crown lands officers as, under fire laws . . . . .	29
Dominion and Provincial police to have free access to grounds and buildings at agricultural shows . . . . .	34
by-laws for indemnifying against actions in certain cases. . . . .	177
right to security for costs in actions against . . . . .	52
Act to authorize police constables to take bail. <i>See</i> BAIL. . . . .	81

Constables.—*Continued.*

	PAGE.
Act respecting high and county constables.....	76
high constables, appointment, remuneration and equip- ment .....	76
making appointment on neglect of county council..	76
present officers contained in office.....	76
oath .....	76
tenure of office .....	77
duties, generally .....	77
may be appointed Provincial constable.....	77
payment by fees.....	77
inspector of legal offices, inspection of constables' offices..	77
inquiries into conduct, powers of inspector.....	77
suspension .....	78
appointment of county constables.....	78
payment of accounts in advance of audit.....	78
allowance in addition to tariff fees .....	78
advances in cases of emergency.....	78
tariff of fees.....	79
Consumers' Gas Company, city authorized to assist J. T. Johnston in action against.....	439
Contagious Diseases, division registrars to give information monthly to registrar as to.....	45
certificate of registration of death from, in township....	48
Contractors, lien on logs got out for export.....	122
Act to secure the payment of wages for labour per- formed in the construction of public works. <i>See</i> WAGES.	124
<i>See</i> MECHANICS AND WAGE-EARNERS LIEN ACT ....	99
Conveyances by Married Women, Act to amend the Act to facilitate .....	148
Convictions, returns by justices of the peace in Rainy River ..	74
Coroners' Inquests, Act respecting fees of jurors on .....	75
amount to be paid .....	75
payment, how to be made .....	75
Act not to apply to inquests on deaths in public institu- tions .....	75
County Constables, Act respecting. <i>See</i> CONSTABLES .....	76
County Councils, changes in powers of. <i>See</i> MUNICIPAL AMENDMENT ACT.....	175
Act to reduce the number of county councillors.....	188
number of members to be elected.....	188
division of counties for the purpose of election .....	188
separated municipalities not to be included in com- puting population .....	189
two members to be elected for each division .....	189
elections to be held in alternate years.....	189
disqualifications .....	189
nominations .....	189
election by acclamation .....	190
candidates nominated and withdrawing .....	190
clerk of county to furnish ballots, etc., to local clerks....	190
where no local election is held .....	190, 191

County Councils.— <i>Continued.</i>	PAGE.
forms .....	191
ballot boxes, counting votes .....	191
qualification of voters .....	192
where to vote .....	192
mode of voting .....	192
qualification of councillors .....	192
certifying result to county clerk .....	192
clerk to be returning officer, to cast up votes and declare result .....	192
equality of votes, casting vote .....	192
powers of county councillors so elected .....	193
election of warden, equality of votes .....	193
recount and proceedings to unseat members .....	193
vacancies, how filled .....	194
payment of expenses of elections .....	194
penalties, neglecting to carry out Act .....	194
making false returns .....	195
directions to voters .....	195
columns to be added to poll-books for particulars as to county council vote .....	195
application of general provisions of municipal Acts .....	195
division of counties for purposes of Act, appointment of commissioners .....	195
commissions, appointment of secretaries .....	196
powers of commissioners, witnesses .....	196
using county buildings .....	196
information to be furnished by municipal officers ..	196
sittings .....	196
evidence .....	196
united counties .....	196
matters to be taken into account .....	196
report to Government .....	197
when sittings to begin .....	197
payment of expenses .....	197
arranging divisions when changes made in municipal boundaries .....	197
by-law for borrowing more than \$20,000 in any one year to be submitted to ratepayers .....	197
ascertaining population of counties .....	198
Act not to apply to Haliburton .....	198
County Courts, appeals from, to divisional courts .....	53
appeals in interpleader proceedings .....	61
County Courts Act, 1896 .....	62
certain matters not to be within the jurisdiction of the county courts .....	62
jurisdiction of courts .....	62
transfer of actions found not to be within the jurisdiction to the high court .....	63
when action may be continued in the county court not- withstanding want of jurisdiction .....	64

County Courts Act.— <i>Continued.</i>	PAGE.
abandonment of claim for amount in excess of jurisdiction .....	64
relief may be granted in same manner and to the same extent as in high court .....	64
references to clerk of the court in same manner as to master in ordinary .....	64
costs of references to take accounts, etc .....	64
where value of land or amount in dispute in certain actions exceeds \$200—removal of cause by <i>certiorari</i> ..	65
venue of certain actions .....	65
manner of pleading want of jurisdiction .....	65
determining questions of jurisdiction ..	66
appeals in interpleader proceedings .....	66
only one judge to be appointed where population of county does not exceed 80,000 .....	66
County Judges, hereafter appointed, not to be <i>ex officio</i> judges	
of the surrogate courts .....	68
Court of Revision. <i>See</i> ASSESSMENT AMENDMENT ACT .....	206
Creditors' Relief Act, appeals from judge to a divisional court ..	59
Creditors, valuing security for claim on estate of deceased insolvent .....	71
<i>See</i> ASSIGNMENTS AND PREFERENCES .....	90
Crown Lands, copies of documents as evidence under Public Lands Act .....	20
Act to amend the Algonquin National Park Act .....	24
Act to authorize the transfer of lands occupied by the C.P.R. not to be taken by railway companies without order-in-council .....	160
Crown Timber, Act relating to .....	27
following timber cut under license for non-payment of dues .....	27
penalty when timber illegally cut cannot be seized ....	27
delivery of timber seized to owner or claimant upon his giving security .....	28
agreements for supplying wood or timber from crown lands for manufacture of pulp and paper .....	28
temporary appointment of crown lands officers as justices of the peace under fire laws .....	29
DEATHS, registration of. <i>See</i> BIRTHS, MARRIAGES AND DEATHS.	43
Debentures, execution of coupons by municipal corporation issuing .....	177
Debentures Registration Act, Act to correct a clerical error in ..	203
Debt Collectors, penalty for using imitations of divisional court process .....	73
Deer. <i>See</i> GAME .....	228
Definition of Time Act, application of provisions of Act to by-laws .....	60
Department of Education. <i>See</i> EDUCATION DEPARTMENT ....	232
Diocese of Kingston, Act respecting the Roman Catholic Episcopal Corporation of .....	588



	PAGE.
Diocese of Ottawa, Act to incorporate the synod of .....	594
Diseases of Fruit Trees, county inspectors .....	218
Distress for Taxes, exemptions from .....	209
what goods to be liable to .....	209
paying rent to collectors until arrears paid .....	210
Districts, special provisions relating to the registration of births, etc., in .....	44, 50
extending or abridging time for appearance in actions ..	61
returns of convictions in Rainy River .....	74
filing assignments for benefit of creditors .....	90
filing bills of sale and chattel mortgages .....	94
advertising tax sales .....	202
organization of school boards in .....	247, 250
voters' lists in .....	10
Ditches and Watercourses Act, Act to amend .....	227
extension of ditch beyond 7 lots on petition of majority of owners .....	227
Divisional Courts. <i>See</i> LAW COURTS ACT .....	51
Division Courts, penalty for using imitations of process of, in collecting debts .....	73
Dominion Cattle Breeders' Association, application of Agriculture and Arts Act to .....	34
Dominion Constables, to have free access to grounds and build- ings at agricultural shows .....	34
Dower, writ of summons in action for .....	59
Act relating to .....	146
relief or purchaser or mortgagee where wife of mortgagor or vendor has been living apart for five years .....	146
where husband is living with another woman .....	146
relief of persons claiming under grantee or mortgagee ..	146
where wife is confined in lunatic asylum .....	146
wife barring dower while under age .....	147
Drainage Act, Act to amend .....	226
notice to be given to persons assessed on filing of engineer's report .....	226
by-laws for authorizing commissioners to use pumping works machinery for other purposes .....	226
Act to amend the Ditches and Watercourses Act .....	227
Drunkenness, releasing persons arrested for .....	178
EAST TORONTO, Village of, Act respecting the railway debenture debt of .....	323
Education. <i>See</i> PUBLIC SCHOOLS .....	237
HIGH SCHOOLS .....	292
SEPARATE SCHOOLS .....	313
INDUSTRIAL SCHOOLS .....	315
INDUSTRIAL REFUGE .....	316
Education Department, jurisdiction over industrial schools trans- ferred to minister in charge .....	315
Act consolidating and revising the laws respecting .....	232
department continued, minister .....	232

Education Department.—*Continued.*

	PAGE.
jurisdiction .....	232
regulations which may be made by .....	232
respecting schools under department .....	232
authorizing text-books .....	233
qualifications of teachers, etc. ....	233
distribution of grant .....	233
affiliating normal college with high schools. ....	233
setting apart separate school as model school. ....	233
educational council, how composed .....	233
chairman .....	233
powers and duties .....	234
Minister of Education, powers of .....	234
distribution of grants .....	234
submission of questions to high court .....	235
commissions of enquiry .....	235
annual report .....	235
separate schools not to be affected by Act .....	235
regulations and orders to be laid before assembly .....	236
Elections, proclamation annexing territory to city or town may state that added territory remains in its former elec- toral division .....	175
county councillors .....	188
voters' lists in unorganized territory .....	10
Act respecting voters' lists in certain cities. <i>See</i> VOTERS' LISTS .....	7
municipal. <i>See</i> MUNICIPAL AMENDMENT ACT .....	175
Electric Railways, Act to amend the Act respecting .....	165
<del>CHANDIS</del> sale of unissued or forfeited shares by tender .....	165
<del>CHANDIS</del> surplus tolls account .....	165
Act to make further provision respecting street railways. <i>See</i> STREET RAILWAYS .....	166
Elma, Township of, Act respecting the railway debenture debt of Equitable Relief, jurisdiction of county courts. <i>See</i> COUNTY <del>CHANDIS</del> COURTS .....	325
Escheated estate of James Staveley, of Clinton ...	63
Etobicoke, Township of, tax sales in .....	19
Evidence, copies of documents issued under Public Lands Act as. questions tending to criminate witnesses .....	210
Executors and Administrators, liabilities with respect to pay- ment of succession duty. <i>See</i> SUCCESSION DUTIES .....	20
powers of courts, as to removal of .....	52
creditors valuing security for claims on insolvent estates .	12
<i>See</i> SURROGATE COURTS .....	51, 67
Exhibitions. <i>See</i> AGRICULTURE AND ARTS .....	71
SHOWS .....	67
Express Companies, service of summons for non-payment of wages .....	32
FACTORY INSPECTORS, duties with respect to bake shops .	212
Farmers, Act to prevent the profanation of the Lord's Day to apply to .....	222
	219

<b>Fire</b> , temporary appointment of justices of the peace under the Act to preserve the forests from destruction by . . . . .	PAGE. 29
<b>Foresters</b> , Independent Order of, Act respecting the Supreme Court of . . . . .	605
power to hold lands to annual value of \$20,000 . . . . .	606
<b>Forests</b> . See CROWN TIMBER . . . . .	27
<b>Fraud</b> by debt collectors, Act respecting . . . . .	73
penalty for using imitations of division court process . .	73
<b>Free Libraries</b> . See PUBLIC LIBRARIES . . . . .	204
<b>Frontenac</b> , Agricultural District of, certain townships transfer- red to . . . . .	34
<b>Fruit Trees</b> , appointment and powers of county inspectors . . .	218
<b>GAME</b> , Act to make further provision for the protection of . . . .	228
deer not to be hunted or killed in the water . . . . .	228
residents of Ontario not to hunt deer without a license	228
signature of license . . . . .	228
fee for license . . . . .	228
shipping coupons to be attached . . . . .	228
deer not to be transported without coupons attached	229
penalty for non-compliance . . . . .	229
application to Indians and settlers . . . . .	229
Lieutenant-Governor may set apart districts in which deer not to be killed . . . . .	229
protection of game birds in neighborhood of Rondeau Park . . . . .	229
implements confiscated to be sent to Game Warden . . . .	230
non-resident licenses to hunt deer . . . . .	230
moose, etc., not to be hunted before 1900 . . . . .	230
<b>Georgian Bay Ship Canal and Power Aqueduct Company</b> , Act to amend certain Acts relating to . . . . .	564
objects of incorporation . . . . .	564
receiving aid from Parliament . . . . .	564
borrowing powers . . . . .	564
mortgaging to secure bonds . . . . .	564
agreement as to use of streets and public places . . . . .	565
by-laws passed by shareholders . . . . .	565
forfeiture of powers for non-user . . . . .	566
<b>Grand Valley Railway Company</b> , Act to amend the Act to in- corporate . . . . .	470
power to change location of line between Berlin and T., H. & B. Railway . . . . .	470
notice to Commissioner of Public Works as to location . .	470
aid from municipalities . . . . .	471
bonding powers . . . . .	472
making payments in paid up stock or bonds . . . . .	472
agreements with certain other railways . . . . .	472
time for commencement and completion . . . . .	472
<b>HALIBURTON</b> , Provisional County of, filing assignments for benefit of creditors in . . . . .	90
filing bills of sale and chattel mortgages in . . . . .	94

Haliburton, Provisional County of.— <i>Continued.</i>	PAGE.
extension of Woodman's Lien for Wages Act to.....	122
Act to reduce the number of county councillors not to apply .....	198
Hamilton, City of, horticultural society may be constituted in..	32
City of, Act respecting by-laws Nos. 680, 792 and 822, of by-law No. 792, extending time for completion of smelt- ing works, confirmed .....	330
text of by-law.....	332
by-law No. 823, respecting bonuses to iron smelting works, confirmed.....	331
text of by-law.....	335
by-law No. 680 to be read as amended by 792 and 823..	331
delivery of debentures to company .....	331
debentures, how payable.....	331
lands freed from certain conditions .....	331
irregularity in form not to invalidate debentures .....	332
assent of electors not required .....	332
agreement with county for purchase of gaol confirmed..	456
text of agreement .....	457
city to maintain gaol .....	456
by-law No. 785, for borrowing \$36,000 to build gaol, confirmed .....	457
text of by-law....	460
authorized to deliver debentures for \$225,000 to Toronto, Hamilton and Buffalo Railway Company .....	568
Act respecting St. Thomas' church .....	601
<i>See</i> HAMILTON GAS LIGHT COMPANY .....	567
Hamilton Gas Light Company, Act respecting .....	567
application of revenues of company .....	567
reducing price of gas used for manufacturing and heating reserve fund.....	568
present capital stock .....	569
annual audit.....	569
when reduction takes place before surplus profit fund renders it necessary .....	569
drawing on reserve to make up deficiency in dividend ..	569
Hamilton Iron and Steel Company (Limited), certain by-laws of City of Hamilton relating to, confirmed .....	330
Hamilton Radial Electric Railway Company, Act respecting ..	473
time for completion of company's lines extended .....	473
extension to Burlington .....	473
lines to Brantford and Woodstock .....	473
motive power .....	474
Hawkers and Pedlars, regulating and licensing .....	178
High Constables, Act respecting. <i>See</i> CONSTABLES .....	76
High Court, transferring actions from County Courts to. <i>See</i> COUNTY COURTS .....	63
<i>See</i> LAW COURTS ACT .....	51
High Schools and Collegiate Institutes, powers of Education Department as to. <i>See</i> EDUCATION DEPARTMENT .....	232



High Schools and Collegiate Institutes.—*Continued.*

PAGE.

appeals from division court decisions in matters arising between teachers and trustees .....	284
Act consolidating and revising the laws respecting .....	292
<i>General.</i>	
interpretation .....	292
trustees to be a corporation .....	293
existing districts and arrangements continued .....	295
<i>Boards of Education.</i>	
public and high school boards may unite .....	294
property vested in .....	294
term of office of members .....	294
corporate name and powers .....	294
quorum .....	294
dissolution of union, when may take place .....	294
members appointed for high schools to be high school board .....	294
division of property .....	294
<i>School Districts and Establishment of Schools.</i>	
county by-laws constituting districts .....	295
changes not to relieve lands from debts previously incurred .....	295
uniting a municipality or portion thereof to a district .....	295
withdrawal from union .....	295
adjustment of assets and liabilities .....	296
establishment and discontinuance of schools in municipalities .....	296
establishment of school in villages of less than one thousand inhabitants .....	296
city councils establishing high schools .....	296
<i>Course of Study.</i>	
what to be taught, options .....	296
making a high school a collegiate institute .....	297
military instruction .....	297
<i>Trustees.</i>	
qualification of .....	297
number and mode of appointment .....	297
appointment by councils .....	297
appointment by school boards .....	298
filling vacancies .....	298
first meeting, chairman and secretary-treasurer .....	299
duties and powers, fixing meetings .....	299
charge of schools and property .....	299
collection of fees .....	299
giving orders for salaries and expenses .....	299
removal of pupils .....	300
appointment of teachers .....	300
providing accomodation .....	300
certifying receipts from fees to county treasurer .....	300
annual report to Minister .....	300

High Schools and Collegiate Institutes.—*Continued.*

PAGE.

*School sites.*

restriction upon selection .....	300
enlarging school site .....	300
arbitration in case of disagreement with owner of land .....	301
award to constitute title .....	301
costs .....	302
who may convey .....	302
when owner absent or unknown .....	302
responsibility for compensation to owner .....	303
payment into court .....	303
property vested in trustees .....	303
power to sell site .....	303

*Municipal appropriations.*

county to grant sum equal to Legislative grant....	304
when further grant may be made .....	304
ascertaining liability of county .....	304
reference of disputes to county judge .....	304
costs of reference .....	305
maintenance of county pupils .....	305
in city or town schools .....	305
contiguous municipality in another county....	305
rates to be levied by municipalities in high school districts .....	305
sums required by trustees for permanent improve- ments, councils to raise .....	306
submitting by-law to ratepayers .....	306
equalization of rates .....	306
term of debentures .....	307
exemption by-laws not to affect liability for high school rate .....	307
assessments for maintenance or improvements....	307
moneys raised to be paid over to treasurer of board	307
security to be given by treasurer .....	307

*Pupils.*

fees payable by county and other pupils .....	308
entrance examination .....	308
examiners .....	308
right to attend schools .....	309

*Teachers.*

qualification for principal and teachers .....	309
superannuation .....	309
salaries, agreements with trustees .....	310
settlement of disputes .....	310

*Miscellaneous provisions.*

school terms and holidays .....	310
penalties and prohibitions .....	310
trustees contracting with board .....	310
declaring seat of trustee vacant for certain causes .....	310
disturbing schools .....	310

High Schools and Collegiate Institutes.— <i>Continued.</i>	PAGE.
authorized books, no others to be used .....	311
changing one authorized book for another.....	311
penalty for using unauthorized books.....	311
repeal of former provisions .....	312
Highways, actions against municipalities for non-repair, to be tried without a jury.....	52
Act of 1895 respecting road companies continued in force	151
application of penalties for demanding excessive tolls..	151
planting trees on. <i>See TREES</i> .....	215
<i>See MUNICIPAL AMENDMENT ACT</i> .....	179
Horse Races. <i>See SHOWS</i> .....	212
Horticultural Shows, right of Government detectives and other constables to have access to .....	34, 213
Horticultural Societies, amendments of law respecting.....	32
Hospital for Sick Children, Act respecting.....	607
power to issue debentures for \$100,000.....	607
Houses of Refuge, attendance of inmates at public schools....	283
Act respecting....	317
supplementary grants up to \$4,000 on additional expendi- ture by councils .....	317
Huron, County of, Act respecting the debenture debt of.....	337
INCORPORATED SYNOD OF THE DIOCESE OF OTTAWA, Act to incorporate.....	594
Independent Order of Foresters, Act respecting the Supreme Court of.....	605
power to hold lands to the annual value of \$20,000....	606
Industrial Exhibitions, right of Government detectives and other officers to have access to .....	213
Industrial Refuge for Girls, Act respecting.....	316
Lieutenant-Governor may transfer inmates to industrial schools .....	316
power to re-commit girls transferred.....	316
Industrial Schools, transferring girls from industrial refuge to..	316
Act to make further provision respecting.....	315
Minister in charge may transfer child from one school to another .....	315
jurisdiction of Minister of Education transferred to Min- ister in charge.....	315
Insolvent Deceased Persons, Act respecting the estates of.....	71
creditor holding security to value same.....	71
when claim based on negotiable instruments .....	71
creditor may surrender security and rank as unsecured	72
when creditor fails to value security.....	72
administration under direction of courts.....	72
Insolvent Persons. <i>See ASSIGNMENTS AND PREFERENCES</i> .....	90
Inspection of Fruit Trees, county inspectors .....	218
Inspector of Legal Offices, inspection and supervision of high and county constables.....	77, 78
Insurance, Act relating to the law of.....	155
making policy payable to mother of insured.....	155

Insurance.— <i>Continued.</i>	PAGE.
varying declarations as to beneficiaries in life policies..	155
apportioning .....	156
beneficiary dying after apportionment.....	157
protection of insurer paying before notice of declaration	157
certain regulations not to apply to friendly societies....	157
commutation of fees for registration of agents in certain	
cases .....	158
Interpleader, appeals from county courts.....	61, 66
Irondale, Bancroft and Ottawa Railway Company, grant of	
\$3,000 per mile for five miles.....	161
JOHNSTON, J. T., City of Toronto authorized to aid in action	
against gas company .....	439
Judicature Act, determination of disputes concerning boundary	
lines by reference .....	69
Act to amend. <i>See</i> LAW COURTS ACT.....	51
Jurors and Juries, certain actions against municipal corporations	
to be tried without a jury .....	52
who to procure precepts for return of panels.....	59
fees of jurors on coroners' inquests.....	75
Justices of the Peace, temporary appointment of certain Crown	
Lands officers as, under the fire laws.....	29
in Districts of Thunder Bay and Rainy River, Act res-	
pecting .....	74
residents in Rainy River not to have jurisdiction in	
remaining portions of Thunder Bay.....	74
returns of convictions by justices in Rainy River.....	74
KINGSTON, City of, Horticultural Society may be constituted	
in.....	32
Kingston, Diocese of, Act respecting the Roman Catholic Epis-	
copal Corporation of .....	588
Knox Church, Acton, Act to enable the trustees of, to sell cer-	
tain lands.....	591
LABOUR, Lien for wages for work on street railways.....	173
regulation of, in bake shops .....	222
Act respecting liens of mechanics, etc. <i>See</i> MECHANICS'	
AND WAGE-EARNERS' LIEN ACT.....	99
Act to extend the Woodman's Lien for Wages Act .....	122
Act to secure payment of wages for labour performed in	
the construction of Public Works. <i>See</i> WAGES.....	124
Act for the better protection of certain classes of work-	
men. <i>See</i> WORKMEN .....	127
Land, Jurisdiction of county courts in actions respecting.....	62
determination of disputes concerning boundary lines ...	69
Act respecting quieting of titles .....	83
Act relating to dower. <i>See</i> DOWER.....	146
Act to amend the Act to facilitate conveyances by mar-	
ried women .....	148
Landlord and Tenant, jurisdiction of High Court in cases of	
overholding .....	61



	PAGE.
Landlord and Tenant.— <i>Continued.</i>	
paying rent to collector until arrears paid .....	210
Act respecting the law of .....	149
form of notice to quit when rent unpaid.....	149
reversion or remainder not necessary to create relation of overholding tenants, appointment by judge to determine dispute .....	149
notice, what to contain .....	150
Land Security Company, Act to amend the Acts relating to....	570
changing proportion of ordinary shares into preference stock .....	571
rights of holders of preference stock .....	573
effect of Act on liabilities of company .....	574
redemption and cancellation of preference stock .....	574
Law Courts Act, 1896, Act to amend the Judicature Act, 1895, and the law relating to the Superior Courts .....	51
appeals to divisional courts in certain cases .....	51
removal of executor or administrator .....	51
certain actions against municipalities to be tried without a jury .....	52
questions tending to criminate witnesses.....	52
security for costs in certain actions against peace officers	52
application of revenue from sale of law stamps.....	52
seal of high court .....	53
constitution of divisional court when third judge cannot be obtained .....	53
costs to be in discretion of court .....	53
appeals from county courts .....	53
appeal to court of appeal from judge in court .....	54
rules of practice confirmed.....	54
schedule of amendments to various Acts.....	55
Law Society of Upper Canada, authorized to enter into an agreement for the closing of Osgoode street .....	21
Law Stamps, application of revenue from sale of .....	52
Lewis, Thomas Henry, Act to enable to practise dentistry ....	611
Libel and Slander, county courts not to have jurisdiction in actions for .....	62
Libraries. <i>See</i> PUBLIC LIBRARIES.....	204
Lien for Labour on Logs or Timber. <i>See</i> WOODMAN'S LIEN FOR WAGES ACT .....	122
Liens of Mechanics, Wage-earners and others. <i>See</i> MECHANICS AND WAGE-EARNERS .....	99
Limitation of Actions, for breach of trust .....	55
Lincoln, County of, by-law No. 341 (Lincoln Street Railway, Traction and Light Company), and agreement confirmed..	480
Lincoln Radial Electric Railway Company, Act to incorporate..	475
company authorized to agree with Ontario Methodist Camp Ground Company.....	478
agreement with other railways authorized .....	478
time for commencement and completion .....	478

Lincoln Radial Electric Railway Company.— <i>Continued.</i>	PAGE.
power to acquire property of Lincoln Street Railway, Traction and Light Co., Limited .....	479
form of agreement .....	480
by-law No. 341 of the county of Lincol'n and agreement with county confirmed .....	480
text of by-law .....	483
text of agreement .....	491
Lincoln Street Railway, Traction and Light Company (Limited). <i>See</i> LINCOLN RADIAL .....	475
Line Fences Act, Act to Amend .....	225
collection of debt and costs as taxes .....	225
Local Improvements, amendment in provisions relating to ....	181
London, City of, Horticultural Society may be constituted in..	32
by-law No. 916 and agreement with street railway com- pany confirmed .....	494
text of by-law .....	496
Act respecting .....	341
power to borrow \$25,000 for Western Fair .....	341
assent of electors not required .....	341
sewerage farm, power to borrow \$150,000 for .....	342
rate of interest on debentures .....	342
power to construct .....	342
extension of sewer system to .....	342
taking necessary lands .....	342
vesting lands in corporation .....	345
exemption from taxation .....	346
limitation of actions .....	346
regulations of Provincial Board of Health .....	346
annual cost of maintenance .....	347
constructing connections with main sewers .....	347
special rates for drainage of low lands .....	348
defraying costs of sewerage system by issue of consoli- dated debt debentures .....	348
powers conferred by Act to be in addition to powers now possessed .....	348
London Street Railway Company, Act respecting .....	493
power to increase capital stock to \$750,000 .....	494
agreement with city and by-law No. 916 confirmed ....	494
text of by-law .....	496
responsibility for repair of streets where single tracks are laid .....	494
conveyance from St. Paul's church, confirmed .....	495
text of conveyance .....	532
mortgage to secure bonds, confirmed .....	495
text of mortgage .....	534
Lord's Day, Act to prevent the profanation of, made applicable to farmers .....	219
Loughborough, Township of, transferred to district of Frontenac for purposes of Agriculture and Arts Act .....	34
Lunatic, husband of, may sell or mortgage free from dower while wife in an asylum .....	146

	PAGE.
MANITOULIN, District of, filing assignments for benefit of	
creditors .....	90
filing bills of sale and chattel mortgages.....	94
advertising tax sales in .....	202
Markets, rights of farmers to dispose of produce at any time ..	179
Marriages, registration of. <i>See</i> BIRTHS, MARRIAGES AND DEATHS	43
Act to consolidate the Acts respecting the solemnization of	131
who may solemnize.....	131
ministers and clergymen.....	131
Disciples of Christ .....	131
Salvation Army .....	131
Quakers .....	131
license to be issued or banns published .....	132
banns or license to lapse if not acted upon within	
three months .....	132
hours in which not to take place .....	133
witnesses required .....	133
clergymen issuing licenses not to marry licensees .....	133
certificate or license to be given to clergyman .....	133
clergyman solemnizing in good faith .....	133
certificate in lieu of license .....	133
issuing licenses or certificates .....	133
validity of licenses or certificates.....	133
unauthorized issuing .....	134
deputy issuers.....	134
signing licenses .....	134
unissued licenses to be returned to Provincial Secretary.	135
expense of procuring forms of licenses.....	135
consent of parent or guardian .....	135
licenses not to issue where either party under 14 .....	135
affidavits required before issue of licenses .....	135
proof of consent, where required .....	136
prohibited degrees of consanguinity or affinity .....	137
when issuer of licenses has personal knowledge that con-	
sent not obtained .....	137
proofs to be kept on record .....	137
particulars to be sent by issuers to Registrar-General ..	137
fees for licenses or certificates .....	137
objections on grounds of place and hour not to invalidate	138
certificates of marriage .....	138
registering marriage in marriage register .....	138
registers to be furnished .....	138
when register to be delivered .....	139
property in registers .....	139
printed copies of marriage laws to be furnished.....	139
certain marriages heretofore solemnized confirmed.....	140
repeal of former provisions .....	141
commencement of Act.....	141
forms .....	141
Married Women, lien for work done and materials furnished	
on lands of .....	100
Act relating to dower in certain cases. <i>See</i> DOWER .....	146

Married Women.— <i>Continued.</i>	PAGE.
Act to amend the Act to facilitate the conveyance of real estate by .....	148
deeds made before 29th March, 1873, without husband's concurrence confirmed .....	148
certain conveyances not to be deemed to be validated by Act .....	148
Masters and Workmen, lien for wages for work on street railways.....	173
regulation of bake shops .....	222
Act respecting liens of mechanics, etc. <i>See</i> MECHANICS AND WAGE EARNERS.....	99
Act to extend the Woodman's Lien for Wages Act. <i>See</i> WOODMAN'S LIEN FOR WAGES .....	122
Act to secure payment of wages for labour performed on public works. <i>See</i> WAGES .....	124
Act for the better protection of certain classes of workmen. <i>See</i> WORKMEN.....	127
Meat and Milk Supplies in Cities and Towns, Act to provide for the inspection of.....	220
by-laws for establishing abattoirs and cattle yards.....	220
local board of health to have control .....	220
inspection.....	221
inspection of milch cows, byres, etc.....	221
tuberculin tests .....	221
inspection of meat-packing establishments .....	221
Mechanics, Act to secure the payment of wages for labour performed in the construction of Public Works .....	124
lien for wages on street railways.....	173
contracts waiving application of lien laws to be void ..	127
Mechanics' and Wage Earners' Lien Act, 1896 .....	99
interpretation .....	99
work done or materials furnished on lands of married woman .....	100
contracts not to affect lien of third party .....	100
nature of lien .....	100
property upon which lien shall attach.....	100
leasehold lands.....	101
mortgaged land .....	101
railways .....	101
insurance moneys, application of .....	101
limit of amount of lien .....	101
when claimed by some person other than contractor.	101
percentage to be deducted by owner from contract prices and retained for thirty days .....	101
payments made by owner to claimants to discharge liens.	102
priority of lien .....	102
unpaid purchase money of land .....	102
among lien holders.....	102
priority of lien for wages .....	103
enforcing lien .....	103
when contract not fulfilled.....	103



Mechanics' and Wage Earners' Lien Act.— <i>Continued.</i>	PAGE
devices for defeating to be void .....	103
payments made for purpose of defeating claim for lien..	103
removing materials affected by lien .....	103
costs of application to court .....	104
goods placed upon lands not to be subject to execution..	104
claim of lien, form and contents of .....	104
registration .....	104, 105
description of lands in case of railways .....	104
what may be included .....	104
not invalid for informality .....	105
time for registration .....	105
when liens to expire.....	106
death of lien holder .....	106
discharging and vacating liens .....	106, 107
certain acts not to prejudice liens .....	107
owner to give information as to terms of contract.....	107
order for inspection of contract by lienholder .....	108
realizing upon liens, statement of claim .....	108
parties to proceedings.....	108
lienholders joining in proceedings .....	108
who may try action .....	108
trial of action .....	109
direction as to time of sale .....	109
directing sale of materials.....	109
letting in other lienholders on terms .....	109
report on sale of lands .....	109
who may act as lien holders .....	110
who to be served with notice of trial .....	110
consolidating actions .....	110
carriage of proceedings .....	110
limit of fees in money or stamps .....	110
right of appeal .....	111
limit of costs .....	111
costs where least expensive course not taken.....	111
costs of drawing and registering and vacating lien .....	111
payments out of court .....	111
no fees except postage .....	112
judgment, form of .....	112
forms, use of .....	112
liens arising before Act .....	112
lien on chattels for work done thereon .....	112
Acts repealed.....	113
schedule of forms .....	114
Mechanics' Institutes. <i>See</i> PUBLIC LIBRARIES.....	204
Medora and Wood, United Townships of, Village of Port Carl-	
ing, incorporated.....	386
Menageries. <i>See</i> SHOWS .....	212
Milk Supplies, inspection of .....	221
Mills and Mill Dams, Act to amend the Act respecting .....	89
Mines and Mining, Act to make further provisions respecting..	30

Mines and Mining.— <i>Continued.</i>	PAGE.
provisions relating to the obtaining of metals to include minerals .....	30
application of regulations relating to the conduct of mining operations .....	30
annual returns by owners or agents of mines .....	30
application of provisions relating to notice of opening or abandoning mines.....	31
offences against regulations after notice by director .....	31
payments out of iron mining fund .....	31
Model Schools, jurisdiction of Education Department over .....	332
Mornington, Township of, Act respecting .....	354
issue of debentures for \$32,000 to pay railway debenture debt.....	354
By-law No. 250 to raise township's share of cost of certain drainage work, confirmed .....	356
text of by-law.....	359
Mortgages, jurisdiction of County Courts. <i>See</i> COUNTY COURTS.	613
relief of mortgagee as to claim for dower in certain cases.	146
<i>See</i> REGISTRY ACT .....	84
Municipal Arbitration Act, Act to amend.....	199
extending notes of evidence .....	199
application of Act extended .....	199
Municipal Auditors. <i>See</i> PROVINCIAL MUNICIPAL AUDITORS...	200
Municipal Corporations, liens of persons employed on works for. <i>See</i> MECHANICS' AND WAGE EARNERS' LIEN ACT...	99
actions against for non-repair of streets etc., to be tried by a judge without a jury.....	52
Municipal Amendment Act, 1896.....	175
adding territory to cities and towns.....	175
hours for holding nominations in townships.....	175
duties of deputy returning officers as to returning ballot boxes to clerk .....	175
personation at elections .....	175
where election invalidated by exclusion of qualified voters .....	176
date of first meeting of councils.....	176
restriction as to acts of retiring councils after 31st Dec..	177
execution of debenture coupons.....	177
regulating hours of labour in livery stables.....	177
indemnifying police officers against actions.....	177
power to obtain property for sewer outlet, etc.....	177
offering rewards for persons guilty of personation.....	178
arbitration where lands taken by town for corporation purposes .....	178
polling places, uniting polling sub-divisions .....	178
arrests for drunkenness .....	178
licensing hawkers and pedlars .....	178
forestalling, right of farmers as to sale of produce.....	179
length of notice to be given before passing gas or water-works or street railway by-laws .....	179

Municipal Amendment Act.—*Continued.*

PAGE.

certain road allowances vested in Crown, restriction of powers of councils .....	179, 180
responsibility for non-repair of highways .....	179
county councils granting aid in the construction of certain roads .....	180, 181
local improvements .....	181
seizure of cattle, etc., unfit for human food .....	182
transferring licensing powers from councils to police commissioners .....	182
setting apart streets for fast driving .....	182
board of control in cities of 100,000 .....	183
election of members by council .....	183
who to preside .....	183
remuneration .....	183
term of office .....	183
removal of members by council .....	183
powers and duties, preparing estimates .....	184
awarding contracts .....	184
inspecting municipal works .....	184
nominating officers .....	184, 186
submitting by-laws to council .....	185
suspending or dismissing officers .....	185
secretary of board .....	185
referring back report of board .....	185
school boards, etc., when to send in estimates .....	185
furnishing, lighting, etc., police offices .....	186
limit of compensation for cutting trees in streets .....	186
erecting and maintaining public conveniences .....	186
City of Toronto authorized to aid Canadian Historical Exhibition .....	186
Canadian Wheelmen's Association authorized to erect signposts on highways .....	187
Act to reduce the number of county councillors. <i>See</i> COUNTY COUNCILS .....	188
Muskoka, District of, filing assignment for benefit of creditors in .....	90
filing bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202
NICHOLLS' PARK, Peterborough, lands comprising added to town .....	385
Nipissing, District of, filing assignments for benefit of creditors in .....	90
filing bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202
Normal Schools, jurisdiction of Education Department over ...	232
OFFICE HOURS OF SHERIFFS, Act respecting .....	11
Oliver, Municipality of, Act respecting .....	362
by-law No. 51 (debt on town hall and establishment of grist mill) confirmed .....	362

	PAGE.
Oliver, Municipality of.— <i>Continued.</i>	
bonus for grist mill by loan or gift .....	363
text of by-law No. 51 .....	363
Ontario, Belmont and Northern Railway Company, grant of	
\$2,000 per mile for ten miles .....	161
Act to amend the Act incorporating .....	552
location of line .....	552
capital stock .....	552
time for completion of work .....	552
Ontario Land Surveyors, determination of disputes as to	
boundary lines by reference to .....	69
Ontario Methodist Camp Ground Company, Lincoln Radial	
Electric Railway authorized to contract with .....	493
Ontario Normal College, jurisdiction of Education Department	
over .....	232
Ontario Tree Planting Act. <i>See</i> TREES .....	215
Osgoode Street, Toronto, Act to confirm an agreement for	
closing .....	21
Otonabee, Township of, lands in, forming Nicholls' Park added	
to town of Peterborough .....	385
Ottawa, City of, horticultural society may be constituted in...	32
Act respecting .....	365
providing city's share of cost of certain local improve-	
ments .....	365
power to borrow \$40,000 for erecting buildings in Lans-	
downe Park .....	366
consent of electors to by-laws not required .....	366
Act respecting by-laws 1458 and 1628 of .....	367
by-law 1628, extending time for completion of Pontiac	
Pacific Junction Railway, confirmed .....	367
text of by-law .....	369
extension of time for construction of bridge works .....	368
by-law 1458, granting \$150,000 to P. P. J. Ry. Co., con-	
firmed .....	368
text of by-law .....	371
debentures confirmed .....	368
text of agreement with company .....	379
Ottawa, Diocese of, Act to incorporate the synod of .....	594
Ottawa, Arnprior and Parry Sound Railway Company, grants	
of \$5,250 and \$6,750 to .....	161
Overholding Tenants Act, jurisdiction of High Court local	
judges .....	61
appointment of time and place for determining matter ..	149
notice, what to contain .....	150
PACKING HOUSES, inspection of .....	221
Parry Sound, District of, filing assignments for benefit of	
creditors in .....	90
filing bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202
Parry Sound Colonization Railway Company, unearned grant	
of \$5,250 transferred to Ottawa, Arnprior and Parry Sound	161



	PAGE.
Partnership, jurisdiction of county courts in actions for account.	63
Pembroke Southern Railway Company, grant of \$3,000 per mile for fifteen miles . . . . .	161
Act to amend the Act to incorporate . . . . .	553
election as to location of line, notice to Commissioner of Public Works . . . . .	554
powers of company after election . . . . .	554
aid from municipalities . . . . .	554
alternative as to location . . . . .	555
time for commencement and completion . . . . .	555
agreements with certain other companies . . . . .	555
Personation, at municipal elections . . . . .	176-178
Peterborough, Town of, Act respecting . . . . .	384
not to be necessary to levy sinking fund under by-law No. 720 . . . . .	384
Nicholls' Park added to town . . . . .	385
exemption of Y. M. C. A. property from taxation . . . . .	385
Plans, registration of. <i>See</i> REGISTRY ACT . . . . .	84
Police Constables, Act to authorize to take bail in cities. <i>See</i> BAIL . . . . .	81
high and county constables. <i>See</i> CONSTABLES . . . . .	76
Pontiac Pacific Junction Railway Company, by-laws 1458 and 1628 of city of Ottawa and agreement with city confirmed . . . . .	367
Port Arthur, Town of. <i>See</i> PORT ARTHUR WATER, LIGHT AND POWER COMPANY . . . . .	575
Port Arthur Water, Light and Power Company, Act respecting by-law No. 461 of the town of Port Arthur and agreement confirmed . . . . .	575
text of by-law . . . . .	577
powers of company not to extend to Neebing or Fort William . . . . .	576
Port Carling, Village of, Act to incorporate . . . . .	386
Port Perry, Village of, Act respecting . . . . .	389
debts consolidated and issue of debentures for \$40,000 authorized . . . . .	389
Portland, Township of, transferred to district of Frontenac for purposes of <i>Agriculture and Arts Act</i> . . . . .	34
Profanation of the Lord's Day, Act to apply to farmers . . . . .	219
Provincial Constables, to have free access to grounds and buildings at shows, etc. . . . .	34, 213
high constables may be . . . . .	77
Provincial Municipal Auditors, Act respecting . . . . .	200
Lieutenant-Governor may appoint boards . . . . .	200
constitution of board . . . . .	200
remuneration of members . . . . .	200
directing audit by member of board instead of issuing commission of enquiry . . . . .	200
powers of auditors on holding investigations . . . . .	200
oath to be taken by members of board . . . . .	201
Public Health, health officer and sanitary inspectors for Algonquin Park . . . . .	24
41 s.	

Public Health.— <i>Continued.</i>	PAGE.
by-laws in cities of 100,000 for disposing of cattle, etc., unfit for human food .....	182
inspection of meat and milk supplies .....	220
regulation of bake shops.....	222
Public Lands, not to be taken by railway companies without order in council .....	160
Act to amend Public Lands Act, .....	20
attested copies of documents as evidence .....	20
Act relating to timber on .....	27
Public Libraries, jurisdiction of education department over....	232
Act to improve the laws respecting .....	204
where free library has been established and petition is presented for establishing public library or mechanics' institute .....	204
legislative grant to libraries .....	204
reading rooms .....	204
evening classes.....	205
aid from municipal funds .....	205
mechanics' institutes authorized to sell or mortgage real estate .....	205
when office of trustee to become vacant .....	205
appointment of boards in townships.....	205
treasurer of board of management .....	205
Public Schools, powers of education department. <i>See</i> EDUCA- TION DEPARTMENT .....	232
Act revising and consolidating the Acts relating to .....	237
interpretation .....	237
application of former departmental regulations.....	238
rates not to be levied on supporters of separate schools...	238
existing school arrangements continued .....	238
schools to be free.....	238
fees in kindergarten schools, age .....	238
religious instruction and exercises .....	238
continuation classes, when they may be formed.....	238
who may be admitted to .....	239
course of study .....	239
grant from legislature and county .....	239
school corporations, trustees to form .....	229
rural school corporations, number and term of office of trustees.....	239
qualification of trustees .....	239
not to cease for want of trustees.....	239
appointment by council when election fails.....	239
boards of education, formation and powers of.....	240
<i>Rural Schools.</i>	
school sections in townships, establishment of.....	240
when land of person assessed lies in more than one section .....	240
area of .....	240
maps to be prepared by township clerk.....	240
organization of.....	240

Public Schools.—*Continued.*

	PAGE.
first election of trustees .....	241
who may vote on school questions .....	241
annual meeting, when to be held .....	241
when not held at appointed time .....	241
chairman, election of .....	241
order of business .....	241
election of trustees, demand for poll .....	242
taking vote .....	242
voting on school questions. ....	242
objections to voters.....	242
oath of voters .....	242
when poll to close .....	242
minutes of meetings to be sent to inspector.....	243
trustees, acceptance of office .....	243
complaints as to elections .....	243
term of office, vacancies .....	243
organization of board .....	243
inspection of school property.....	243
secretary-treasurer, security to be given by.....	244
receiving and accounting for moneys .....	244
compensation of .....	244
duties of, minutes of meetings .....	244
special meetings .....	244
giving names and addresses of trustees and teacher to inspector and clerk .....	244
notices of meetings and vacancies .....	244
annual report .....	245
annual and semi-annual returns.....	245
corporate acts to be adopted at lawful meetings ....	245
admission of pupils to urban schools .....	245
auditors, appointment of.....	245
laying accounts, etc., before .....	246
time of audit.....	246
duties and powers of .....	246
unorganized townships, sections in .....	247
limits of sections....	247
exemption from rates on account of distance from school .....	247
election, powers and duties of trustees.....	247
secretary-treasurer to be court of revision ....	247
when inspector to act as court of revision ....	248
annual assessment roll.....	248
oath and certificate of assessor .....	248
appeals against assessment.....	248
when roll to be binding.....	248
union with sections in organized townships....	249
unsurveyed districts, election of trustees.....	249
notice to minister of establishment of school ...	249
collectors of school rates.....	249
townships outside county organization.....	249

Public Schools.—*Continued.*

	PAGE.
formation of township board . . . . .	249
repealing by-law and re-establishing school sections . . . . .	250
adjusting claims on repeal of by-law . . . . .	250
school sites, adoption of new site . . . . .	250
when trustees and ratepayers differ, arbitration reconsideration of award . . . . .	251
when owner refuses to sell, determining compensation and taking land . . . . .	251
award to constitute title . . . . .	251
costs of arbitrations . . . . .	252
restrictions as to choice of site, fencing . . . . .	252
enlargement of site . . . . .	252
who may make conveyances . . . . .	252
absence of owner of land selected, notice, arbitration . . . . .	252
responsibility for payment of compensation . . . . .	253
payment into court . . . . .	253
registering award . . . . .	253
alteration of boundaries, by-laws for . . . . .	254
uniting existing sections . . . . .	254
making new division . . . . .	254
when by-law to take effect . . . . .	254
when part of section added to city or town . . . . .	254
appeals to county council . . . . .	254
adjustment of claims between sections . . . . .	255
disposal of school property no longer required . . . . .	255
union school sections, existing ones continued . . . . .	256
what unions may be formed . . . . .	256
procedure for formation, alteration or dissolution, arbitration . . . . .	256, 257
appeal from award to county council . . . . .	258
appeals when territory lies in two counties . . . . .	258
collection of rates . . . . .	259
when municipality divided . . . . .	259
election of trustees . . . . .	259
inspection . . . . .	259
incorporation of part of union as an urban municipality . . . . .	259
where ratepayer to vote where part of township attached to urban municipality for school purposes . . . . .	259
when part of township annexed to city . . . . .	259
adjustment of assets, etc., on union of municipalities . . . . .	260
equalization of assessments when assessors disagree . . . . .	260
by-laws and awards on alteration of section to be valid and binding for five years . . . . .	261
publication of by-law . . . . .	261



Public Schools.—*Continued.*

PAGE.

*Urban Schools.*

trustees, board to be a corporation .....	261
qualification .....	261
first election .....	261
in cities and towns divided into wards .....	262
in villages not divided into wards .....	262
annual elections .....	262
elections by ballot .....	264
oath of voters .....	265
vacancies, new election .....	265
investigating complaints as to election .....	266
first meeting of board .....	266
quorum .....	266

*School Trustees, Duties of.*

appointing officers .....	266
fixing meetings .....	267
providing accommodation .....	267
school premises, prizes, etc. ....	267
determining number and grading of schools .....	267
dismissing refractory pupils .....	267
collecting fees for books .....	267
exempting indigent persons from rates .....	267
preparing estimates .....	267
paying salaries .....	268
publishing auditor's report .....	268
custody and disposal of property .....	268
supplementing superannuation allowances .....	268
not liable for acts done under by-laws .....	268
employing teachers in charitable institutions .....	268
acquiring school sites .....	268

*School Moneys.*

amount to be levied by township council .....	269
councils to levy amount required by trustees .....	269
for establishment of school libraries .....	269
correction of errors in collection of rates in previous years .....	269
returns showing rating of separate school supporters .....	270
statement of assessed value of property in each sec- tion .....	270
returns of population to minister .....	270
township debenture by-laws to be passed on requisition of trustees .....	270
council to issue debentures .....	271
property liable for loan .....	271
expenses of by-laws .....	271
application for sums to be raised by rates ....	271
issuing debentures in urban municipalities, vote of electors .....	271
form and term of debentures .....	272, 291
borrowing surplus moneys of municipality .....	272
treasurers, township treasurers to be sub-treasurers .....	272

Public Schools — *Continued.*

PAGE.

responsibility of treasurers and surety . . . . .	272
bonds to apply to school moneys . . . . .	272
municipality responsible for default . . . . .	273

*Teachers.*

duties of, teach according to law, preserve discipline, morality, etc . . . . .	273
using English language . . . . .	273
duties in and about school house, registers, etc. . . . .	273
classification of scholars, conduct of classes, etc. . . . .	273
holding examinations . . . . .	273
furnishing information to minister . . . . .	274
health of scholars, preserving school property . . . . .	274
infectious diseases . . . . .	274
disciplinary powers . . . . .	274
agreement with trustees, suspension for breach of . . . . .	274
who may be engaged . . . . .	274
proportion of salary to be paid . . . . .	275
salary during sickness . . . . .	275
remedy of teacher . . . . .	275
certificates, three classes of . . . . .	275
duration . . . . .	275
district certificates . . . . .	275
where granted before 15th February, 1871, to remain in force . . . . .	275, 276
suspension for mis-conduct . . . . .	276
county boards of examiners, how composed . . . . .	276
duties . . . . .	276
expenses of examinations . . . . .	276
fees on investigations . . . . .	276
qualification . . . . .	276
county model schools . . . . .	277
teachers' institutes . . . . .	277

*Inspectors.*

who may be appointed . . . . .	278
when more than one to be appointed . . . . .	278
supplying vacancies in office . . . . .	278
remuneration of county inspectors . . . . .	278
in towns not separated from counties . . . . .	278
grants out of legislative appropriation . . . . .	279
administering oaths . . . . .	279
liability to dismissal . . . . .	279
duties, visiting and inspecting schools . . . . .	279
to withhold grant in certain cases . . . . .	279
reporting unsanitary conditions . . . . .	280
giving information and reporting to minister . . . . .	280
delivery up of papers on retirement . . . . .	280

*Allowances to arbitrators and inspectors.*

fees of arbitrators . . . . .	280
inspector investigating complaints as to elections or school meetings . . . . .	280

Public Schools.—*Continued.*

PAGE.

*Superannuation.*

fund, contribution by teachers and inspectors.....	280
re-payment on death or retirement .....	281
annual allowance on retirement .....	281
age of retirement.....	281
extra allowance to certain teachers .....	281
conditions of receiving allowance.....	281
resuming professional duties.....	281
forfeiture of claims .....	282
re-payment to contributor desiring to withdraw....	282

*Non-resident pupils.*

trustees may admit.....	282
fees .....	282
where residents in one section send children to school in another .....	282
rights of non-residents when assessed .....	282
remission of school tax where fees paid in certain cases .....	282
pupils in Houses of Refuge .....	283

*Miscellaneous provisions.*

terms and holidays.....	283
changing one authorized text-book for another ....	283
substituting unauthorized text-books .....	283
appeals from division court decisions .....	284
minister may appeal to high court .....	284
transmission of papers .....	284
notice of appeal to stay proceedings.....	284
order of high court.....	284
costs .....	284
school visitors, who to be .....	284
authority of.....	285
confirming and saving and repealing clauses .....	290

*Penalties and prohibitions.*

clerks neglect or refusal to perform duties .....	285
false declaration of right to vote .....	285
disqualified persons acting as trustees .....	285
certain persons disqualified .....	285
vacating seat for certain causes.....	285
not calling school meetings .....	286
disturbing schools or meetings .....	286
refusal to perform duties .....	286
non-performance of corporate duties.....	286
neglect of duties by chairman .....	286
neglect to take proper security.....	287
responsibility for lost school moneys .....	287
refusing information to auditor.....	288
not making returns.....	288
delaying report .....	288
falsifying reports and registers.....	289
officers not to act as agents for school books .....	289
recovery of penalties .....	289

	PAGE.
Public Works, Act to secure the payment of wages for labor performed in the construction of. <i>See</i> WAGES .....	124
QUEEN VICTORIA NIAGARA FALLS PARK, Commission authorized to grant certain lands to Clifton Suspension Bridge Company .....	25
Quieting Titles, appeals from judge to a divisional court or court of appeal .....	59
Act respecting .....	83
advertising notice of application .....	83
appeals to divisional court and court of appeal .....	83
RAILWAYS, lien of persons employed in construction of. <i>See</i> MECHANICS' AND WAGE-EARNERS' LIEN ACT .....	99
right of Crown as to retaining subsidies and paying wages of workmen .....	125
service of summons for non-payment of wages .....	128
Crown lands not to be taken for, without Order-in-Council .....	160
Act to amend the Electric Railway Act .....	165
Act to make further provision respecting street railways...	166
Act respecting aid to .....	161
subsidies granted .....	161
Irondale, Bancroft and Ottawa .....	161
Ontario, Belmont and Northern .....	161
Pembroke Southern .....	161
Ottawa, Arnprior and Parry Sound .....	161
unearned portion of former grant to Parry Sound Colonization .....	161
substituting half-yearly payments for cash .....	162
conditions of grants .....	162
land subsidy fund .....	162
Lieutenant-Governor authorized to pay claims for labor performed on Central Counties Railway out of former subsidy .....	164
repeal of portion of former grant .....	164
Chatham City and Suburban .....	467
Grand Valley .....	470
Hamilton Radial Electric .....	473
Lincoln Radial Electric .....	475
London Street Railway .....	493
Ontario, Belmont and Northern .....	552
Pembroke Southern .....	553
Sault Ste. Marie and Hudson's Bay .....	556
South Essex Electric .....	558
Toronto, Hamilton and Buffalo .....	562
Rainy River, jurisdiction of justices of the peace .....	74
returns of convictions .....	74
filing assignments for benefit of creditors in .....	90
filing bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202



	PAGE.
Recognizances, police officers in cities taking bail in cases under Ontario Statutes .....	81
Redemption, jurisdiction of County Courts. <i>See</i> COUNTY COURTS	63
Registration of births, marriages and deaths. <i>See</i> BIRTHS, MARRIAGES AND DEATHS .....	43
Registration of debentures, Act to correct a clerical error in The Debentures Registration Act .....	203
Registry Act, Act to amend .....	84
entry of leases and acknowledgments in general registry.	84
registering discharges of mortgages .....	84
plans not to be filed for anyone but owner nor without consent of mortgagees .....	84
probate of letters of administration .....	84
recording wills .....	85
office hours on Saturday during vacations .....	85
searching general register, fees for .....	85
fees in connection with registration of plans .....	86
salary of Inspector .....	86
amounts payable out of gross income to municipalities..	86
amount payable to city out of net income by registrars for Toronto .....	86
application of surplus fees .....	86
percentage on net income payable to municipalities ....	87
abstract index to sub-divisions of municipalities .....	87
adjustment of percentage when registrar in office for part of year only .....	87, 88
Rideau Club, Act respecting .....	608
power to issue debentures to \$58,000 to redeem existing debentures and mortgages .....	608
rights of debenture holders in insurance moneys .....	609
interest on debentures to be a charge on entrance fees ..	609
application of debentures .....	609
power to borrow a further sum of \$30,000 .....	610
Road Companies, Act respecting .....	151
Act of 1895 continued in force .....	151
application of penalties for collecting excessive tolls....	151
Roman Catholic Episcopal Corporation of the Diocese of Kingston in Canada, Act respecting .....	588
corporation authorized to issue debentures and secure same by mortgage .....	588
Rondeau Park, Lieutenant-Governor in Council authorized to regulate killing of certain birds in neighborhood of.	229
ST. ANDREW'S CHURCH, BELLEVILLE, Act respecting ..	599
powers of trustees as to mortgaging .....	599
St. Catharines, City of, Act respecting the waterworks of ....	394
election of commissioners .....	394
treasurer of commission .....	394
fouling sources of water supply .....	395
power to enter on adjoining lands .....	396
obstructing officers of commission .....	396

St. Catharines, City of.— <i>Continued.</i>	PAGE.
noxious trades not to be carried on on adjoining lands..	397
stop-cocks and pipes in buildings.....	397
collection of rates .....	397
St. Clair Tunnel Company, closing of Thistle street, Sarnia, at crossing of company's works .....	399
St. Paul's Church, London, deed from rector and church wardens to London Street Railway Company confirmed .....	495
text of deed.....	532
St. Thomas' Church, Hamilton, Act respecting .....	601
rector and church wardens authorized to borrow \$7,000 to pay off mortgages .....	603
Sarnia, Town of, Act respecting Thistle street in .....	399
part of street crossing works of Tunnel Company closed.	399
compensation of persons affected .....	399
Sault Ste. Marie and Hudson's Bay Railway Company, Act relating to .....	556
time for commencement and completion .....	556
motive power .....	556
head office, location of .....	557
Scarborough, township of, tax sales in .....	210
School Laws,	
Education Department. <i>See</i> EDUCATION DEPARTMENT..	232
Public schools. <i>See</i> PUBLIC SCHOOLS..	237
High schools. <i>See</i> HIGH SCHOOLS .....	292
Separate schools. <i>See</i> SEPARATE SCHOOLS .....	313
Industrial schools. <i>See</i> INDUSTRIAL SCHOOLS .....	315
Industrial refuge <i>See</i> INDUSTRIAL REFUGE .....	316
School of Pedagogy, jurisdiction of Education Department over.	232
Security for costs in actions against peace officers and others....	52
Separate Schools, appointment of high school trustees by separate school board.....	298
appointment of examiner on board of entrance examinations .....	308
duties of clerks as to preparing annual statement of rating of supporters of .....	270
rates not to be levied on supporters of, for public school purposes .....	238
teachers not to be public school trustees.....	285
Act revising certain matters relating to .....	313
term for repayment of debts.....	313
school terms and holidays .....	313
when school supporter resides within three miles of two or more schools .....	314
Servants, lien for wages for work on street railways .....	173
regulation of bake shops .....	222
liens of mechanics and others. <i>See</i> MECHANICS AND	
WAGE-EARNERS .....	99
<i>See</i> WAGES .....	124
<i>See</i> WORKMEN .....	127
Sheriffs, attendance at sittings of courts.....	60
examination of person and premises of person in posses-	

Sheriffs.—*Continued.*

	PAGE.
sion of property to be replevied .....	60
Act respecting the office hours of .....	11
office hours on ordinary days .....	11
office hours during long vacation and Christmas vacation.	11
in Toronto and York offices on Saturdays .....	11
sheriff and deputy sheriff to attend to urgent business	
when office closes before 4 p.m. ....	11
Shows, Act respecting travelling shows, circuses and other	
exhibitions .....	212
circuses and other travelling shows not to exhibit with-	
out Provincial license .....	212
remission or reduction of fee in case of small shows.	212
statutory declaration of license, fees to be paid . . .	212
issue and revocation of license .....	213
penalty for exhibiting without license .....	213
inspectors of criminal investigation to be present at exhi-	
bitions and performances .....	213
right of access to travelling shows, horse races and	
exhibitions .....	213
passes to be furnished to other officers on request of	
Attorney-General .....	214
prosecution and recovery of penalties .....	214
Sibley, Carrie A., grant to, out of the estate of James Staveley.	19
Slander, county courts not to have jurisdiction in actions for . .	62
Solemnization of Marriage, registration of Marriages. <i>See</i>	
BIRTHS, MARRIAGES AND DEATHS .....	43
Act respecting. <i>See</i> MARRIAGES .....	131
South Essex Electric Railway Company, Act to incorporate . . .	560
Staveley, James, Act respecting the estate of .....	19
grants authorized to be made by the Crown to certain	
persons .....	19
grants authorized to be made to town of Clinton .....	19
Street Railways, Act to make further provision respecting . . .	166
application of Act .....	166
“working expenses,” meaning of .....	166
powers of companies .....	166
production and use of electricity .....	166
agreements with other companies .....	167
agreements with electric light companies .....	167
acquiring lands for parks .....	167
guard wires .....	168
protection of water pipes, etc., from injury by escape	
of electricity .....	168
contracts for construction and equipment . . .	168
officers of company not to be directors .....	168
remuneration of directors .....	169
first issue of stock .....	169
disposing of unissued or forfeited shares .....	169
shares to be paid in cash .....	170
paying calls .....	170
liability of shareholders until calls paid up .....	170

Street Railways.— <i>Continued.</i>	PAGE.
capital stock, application of proceeds .....	170
company not to take stock in other companies .....	170
selling bonds, etc. ....	170
surplus tolls account, restriction of amount of dividends.	170
application of surplus. ....	171
charging unearned dividends against surplus tolls	
account .....	171
dividends, when to be declared .....	172
how payable, limit of. ....	172
not to be paid out of capital. ....	172
application of revenue .....	172
accounts to be kept, annual returns. ....	172
rights of alien shareholders .....	173
lien for wages .....	173
powers of high court .....	173
inconsistent enactments not to apply .....	173
Sub-contractors, Act to secure payment of wages for labour	
performed in the construction of public works. <i>See</i> WAGES.	124
<i>See</i> MECHANICS' AND WAGE-EARNERS' LIEN ACT .....	99
Succession Duties, Act to make further provision for the pay-	
ment of .....	12
property liable to duty .....	12
property situate in Province. ....	12
voluntary transfers in contemplation of death .....	12
property transferred by owner to himself jointly with	
some other person .....	13
property passing under settlements .....	13
particular descriptions of property liable not to limit	
effect of general words .....	13
amount of duty .....	13
exemption of property passing to any one person to	
extent of \$200 .....	14
property brought into Province for administration ....	14
personal liability of executors .....	14
where no executor or administrator can be made account-	
able .....	15
when Provincial Treasurer may direct appraisement by	
sheriff .....	15
valuation of property by sheriff .....	15
fixing cash value of estates and interests growing out	
of the estate of decedent .....	16
appeals from decision of high court judge. ....	16
where no person entitled to present enjoyment of pro-	
perty liable .....	16
commuting duties on future estates or interests. ....	16
mode of payment of duties on annuities .....	16
extension of time for payment of duties. ....	17
limitation of actions .....	17
bond of executor or administrator for payment of duty..	17
certificate of discharge on payment of duty .....	17



	PAGE.
Sudbury, Town of, Act to confirm by-law No. 46 of .....	401
by-law to raise \$10,000 to pay for waterworks, sewerage and electric light confirmed .....	402
text of by-law .....	402
Superior Courts. <i>See</i> LAW COURTS ACT .....	51
Supplies, for Civil Government for 1896 .....	1
Supreme Court of Judicature. <i>See</i> LAW COURTS ACT .....	51
Supreme Court of the Independent Order of Foresters, Act res- pecting .....	605
power to hold lands to the annual value of \$20,000 ....	606
Surrogate Courts, Act respecting .....	67
jurisdiction as to removal of executor or administrator ..	67
procedure .....	67
executor of executor .....	67
order for removal .....	67
approval of accounts by judge to be binding in high court .....	68
county judges hereafter appointed not to be <i>ex-officio</i> surrogate judges .....	68
fees of judges on taking evidence .....	68
Synod of the Diocese of Ottawa, Act to incorporate .....	594
TAXES. <i>See</i> ASSESSMENT AMENDMENT ACT .....	206
Tax Sales, powers of townships of York, Scarborough and Etobi- coke .....	210
in unorganized territory, advertising sales .....	202
Teachers' Institutes, jurisdiction of Education Department over. formation of and grants to .....	232
.....	277
Telegraph Companies, service of summons for non-payment of wages .....	128
Telephone Companies, service of summons for non-payment of wages .....	128
Thistle Street, Sarnia, provision for the closing of .....	399
Thompson, Francis E., grant to, out of the estate of James Staveley .....	19
Thunder Bay, District of, jurisdiction and return of convictions by justices resident in Rainy River .....	74
filling assignments for benefit of creditors in .....	90
filling bills of sale and chattel mortgages in .....	94
advertising tax sales in .....	202
Tilbury Centre, Village of, Act respecting .....	406
debts consolidated at \$22,405.28 .....	407
distinction to be made as to public school debentures ..	408
name changed to "Tilbury" .....	409
Tilbury North and Tilbury West, Municipalities of, Act respect- ing the liability of, in respect of Government drainage works .....	412
power to raise \$14,149.06 to pay Government .....	413
amount to be raised by each township .....	413
form of by-law for Tilbury North .....	415
for Tilbury West .....	427

	PAGE.
Timber on Public Lands, amendments of Act relating to .....	27
Timber Slide Companies, Act affecting .....	152
annual report by company to Commissioner of Crown Lands, contents of .....	152
applying surplus receipts to meet deficiency in previous year .....	152
reference of accounts by commissioner to expert .....	152
when false estimate given of quantity to be sent over works .....	153
taking evidence on oath before commissioner .....	153
time for completion of works .....	153
consequence of default .....	153
Time, application of Definition of Time Act to by-laws .....	60
Titles, Quieting of, Act respecting .....	83
Toll Roads, Act of 1895 continued in force .....	151
application of penalties for demanding excessive tolls ..	151
Toronto, City of, agreement for the closing up of Osgoode street authorized .....	21
percentage payable to corporation by registrars .....	86
power to unite polling sub-divisions and use schools as polling places .....	178
license fee for hawkers and pedlars in .....	178
seizure of cattle, etc., unfit for human food .....	182
transferring licensing powers from council to police com- missioners .....	182
setting apart streets for fast driving .....	182
board of control in, powers and duties .....	183-186
power to grant \$25,000 to Canadian Historical Exhibition	186
taking assessment by wards in turn .....	206
remuneration of members of court of revision in .....	208
percentage to be added to arrears of taxes .....	210
Act respecting .....	439
appropriation for meeting of British Association .....	439
authority to assist J. T. Johnston in suit against Gas Co.	439
power to issue debentures for \$200,000 to complete court house .....	439
agreement with C. P. R. <i>re</i> York Street Bridge, confirmed text of agreement .....	440
local improvement by-laws confirmed .....	442
schedule of by-laws .....	441
schedule of by-laws .....	444
Toronto, Hamilton and Buffalo Railway Company, Act respecting	562
City of Hamilton authorized to deliver debentures for \$225,000 .....	563
Travelling Shows, Circuses and other Exhibitions, Act respect- ing. <i>See</i> SHOWS .....	212
Trees, Limit of compensation for cutting and removing from highways .....	186
county inspectors of fruit trees .....	218
Act revising and consolidating the Acts to encourage the planting and growing of .....	215

Trees.—*Continued.*

PAGE.

planting trees on highways and boundary lines, rights of owners of adjoining lands .....	215
municipal by-laws granting bonuses for tree-planting .. inspection .....	215
report of inspector to council .....	216
right of refund from Province in respect of trees planted under former Acts .....	216
penalty for injuring trees on highways .....	216
on boundary lines .....	217
powers of municipalities as to passing by-laws .....	217
Trenton, Town of, Act to consolidate the floating debt of .....	447
Trespass, jurisdiction of county courts. <i>See</i> COUNTY COURTS ..	63
Trustees, limitation of actions for breach of trust ..	55
Tuberculosis, inspection of milk supplies .....	221

UNION FURNITURE COMPANY OF WINGHAM (Limited),  
by-law No. 250 of Wingham, extending time for  
repayment of loan confirmed .....

462

Unorganized Territory, special provisions relating to the registra- tion of births, marriages and deaths in .....	44, 50
extending or abridging the time allowed for appearance in actions .....	61
returns of convictions in Rainy River .....	74
filing assignments for benefit of creditors .....	90
filing bills of sale and chattel mortgages .....	94
advertising tax sales of lands in .....	202
organization of school boards in .....	247, 250
Act to amend the Act respecting voters' lists in .....	10

VERBAL AGREEMENTS, to give bills of sale or chattel mort-  
gages to be void as against creditors, etc. ....

98

Veterinary Surgeons, Act to amend the Act respecting .....

35

who to sign diplomas of veterinary college .....

35

Vital Statistics. *See* BIRTHS, MARRIAGES AND DEATHS .....

43

Voters' Lists in certain cities, Act respecting .....

7

application of Act .....

7

making up list for each ward or sub-division, notice of  
posting up by clerk .....

7

time for making complaints .....

7

when no complaint is made .....

7

when list for each ward or sub-division to be revised ..

8

all the lists to be revised by the 1st December .....

8

final revision of list for the whole city .....

8

time for making complaints .....

8

changes may be made by judge .....

8

voters acquiring qualification after revision of ward  
or sub-division list .....

9

making alterations in lists .....

9

lists to constitute the last revised voters' list for city ...

9

	PAGE.
Voters' Lists in Unorganized Territories, Act to amend the Act respecting.....	10
former provisions suspended for one year .....	10
present voters' lists continued until other provision made.	10
WAGES, lien for on street railways.....	173
Act to secure the payment of wages for labour performed in the construction of Public Works.....	124
payment of wages of employees of contractors or sub-contractors out of securities held by crown.....	124
list of employees to be furnished by contractors or sub-contractors when required.....	124
failure to furnish list .....	125
retaining portions of subsidies granted to railways, etc., and paying wages thereof .....	125
notice of claim.....	126
application of Act .....	126
<i>See</i> MECHANICS' AND WAGE EARNERS' LIENS .....	99
<i>See</i> WOODMAN'S LIEN FOR WAGES ACT.....	122
<i>See</i> WORKMEN .....	127
Walkerton, Town of, Act to confirm by-law No. 486 (loan to chair factory and exemption).....	450
Walkerton Chair Factory Company (Limited), by-law of the town of Walkerton granting aid to, confirmed .....	450
Wentworth County Gaol, Act respecting.....	456
agreement with city of Hamilton for sale of gaol to city, etc., confirmed .....	456
text of agreement .....	457
maintenance of gaol by city .....	456
by-law No. 785 of the city of Hamilton to borrow \$36,000 for building a gaol confirmed.....	457
text of by-law .....	460
Western Fair Association, city of London authorized to grant \$25,000 for .....	341
Wild West Shows. <i>See</i> SHOWS .....	212
Windsor, Amherstburgh and Lake Erie Railway Company, South Essex Electric Railway Company authorized to purchase line .....	560
Wingham, Town of, Act to confirm by-law No. 250, 1895 (extending time for repayment of loan to furniture company). .....	462
Witnesses and Evidence. <i>See</i> EVIDENCE.....	20, 52
Woodman's Lien for Wages Act, contracts waiving application of Act to be void.....	127
Act to extend .....	122
application to Haliburton .....	122
place for filing claim of lien .....	122
rights of contractors with respect to logs got out for export .....	122
time for filing claim .....	123
liability for loss occasioned by seizure.....	123
<i>See</i> MECHANICS' AND WAGE EARNERS' LIEN ACT..	99



	PAGE.
Workmen, lien for wages on street railways .....	173
regulation of bake shops .....	222
Act to secure payment of wages for labour performed in the construction of public works. <i>See WAGES</i> .....	124
Act for the better protection of certain classes of .....	127
where complaints under Master and Servant Act to be prosecuted .....	127
contracts waiving certain Acts for the protection of labour to be void.....	127
service of summons for the recovery of wages.....	127
service on certain public companies .....	128
effect of service .....	128
appeals from orders of justices of the peace .....	128
security.....	129
jurisdiction of police magistrates in cities in summary proceedings .....	129
enforcing order for payment of wages.....	129
appeals from police magistrates.....	129
Act not to apply where wages more than \$3 per day...	130
 YELLOW AND BLACK KNOT ACT, county inspectors of fruit trees.....	 218
York, County of, Municipal Arbitrations Act extended to .....	199
York, Township of, tax sales in .....	210
Young Men's Christian Association, Peterborough, lands and buildings exempted from taxation .....	385









BINDING SECT. JUL 14 1967

PLEASE DO NOT REMOVE  
CARDS OR SLIPS FROM THIS POCKET

---

UNIVERSITY OF TORONTO LIBRARY

---



3 1761 11548535 1

